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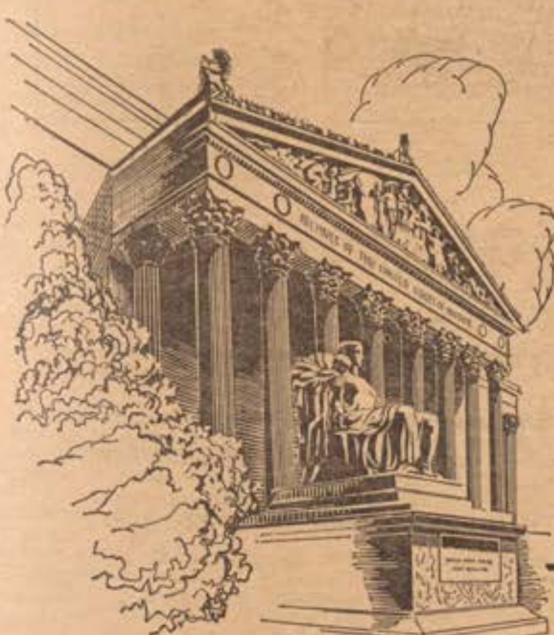

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List of CFR Parts Affected

(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.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to remove the numerical limitation on teaching positions in the indigenous schools of Chichi Jimi, Bonin-Volcano Islands, that may be excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (3), paragraph (a) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* * * *

(3) Positions of teachers in indigenous schools at Chichi Jimi, Bonin-Volcano Islands.

* * * * *

(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, 1954-58 Comp., p. 218)

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

[F.R. Doc. 65-6100; Filed, June 10, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Shelled Spanish Type Peanuts [1]

On April 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5382) regarding a proposed revision of United States Standards for Grades of Shelled Spanish Type Peanuts (7 CFR 51.2730-51.2741).

Statement of considerations leading to the revision of the grade standards. The principal change in the revised standards is the increase from 2 percent to 3 percent in the tolerance for split or broken kernels in the U.S. No. 1 grade. The term split or broken, as applied under the grading procedure, includes the separated halves and the broken kernels which are less than three-quarters of a whole kernel, but which are not defective in any other respect.

The change was requested by representatives of peanut shellers, and a number of facts have been cited as reasons for the increase in tolerance from 2 percent to 3 percent:

1. The U.S. No. 1 grades for both Runner and Virginia types provide tolerances of 3 percent for split and broken kernels, placing the millers of Spanish type in a competitively disadvantageous position.

2. Inspection statistics show a greater percentage of split kernels in Spanish farmers' stock peanuts than in the other two types.

3. The problem of splits has increased considerably in recent years due to the adoption of mechanized methods of harvesting and drying. These methods tend to weaken the kernels so that they are more inclined to split during the process of shelling and marketing.

4. These methods of harvesting and drying, while increasing the percentage of splits, are considered to be highly desirable for avoiding moldy or rancid kernels which make the peanuts unwholesome.

5. Split kernels which are not defective in any other way constitute a wholesome product. They are customarily marketed as U.S. Splits Grade at a price only slightly lower than that of U.S. No. 1 Grade.

6. Test observations show that percentages of splits increase with handling and transporting of sacked peanuts, making it difficult to deliver peanuts with percentages of splits within the 2 percent grade tolerance.

Revision of this tolerance will remove the inequity which has existed between the U.S. No. 1 Grade for the several types of peanuts, and will provide an allowance for splits which is reasonable in the light of modern methods of harvesting, drying and handling.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Shelled Spanish Type Peanuts are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2730 U.S. No. 1 Spanish.

"U.S. No. 1 Spanish" consists of shelled Spanish type peanut kernels which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $\frac{15}{64}$ x $\frac{3}{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other types of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. Spanish Splits.

"U.S. Spanish Splits" consists of shelled Spanish type peanut kernels which are split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having $\frac{16}{64}$-inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other types of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole kernels.

§ 51.2732 U.S. No. 2 Spanish.

"U.S. No. 2 Spanish" consists of shelled Spanish type peanut kernels which may be split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having $\frac{16}{64}$-inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other types of peanuts;

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

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.2734 Spanish type.

"Spanish type" means peanuts of varieties which belong to the Spanish classification group and which are free from kernels of Runner, Virginia, or other types.

§ 51.2735 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2736 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2737 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 Damage.

"Damage" means any specific defect described in this section; or any other defect, or any combination of defects which materially detracts from the edible quality of the peanut. The following specific defects shall be considered as damage:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent, or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

§ 51.2740 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

The United States Standards for Grades of Shelled Spanish Type Peanuts contained in this subpart shall become effective July 15, 1965, and will thereupon supersede the United States Standards for Shelled Spanish Type Peanuts which have been in effect since August 31, 1959 (7 CFR, 51.2730–51.2741).

Dated: June 8, 1965.

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

[F.R. Doc. 65-6102; Filed, June 10, 1965; 8:49 a.m.]

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

[958.309 Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Order Terminating Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of information available, it is hereby found that continuation after June 15, 1965, of the 1964–65 season limitation of shipments issued as § 958.309, August 19, 1964 (29 F.R. 12003), would no longer tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) commercial shipments of 1964 crop onions grown in the production area are completed, and (2) this termination order relieves restrictions on handlers of onions grown in the production area.

Termination order. The provisions of § 958.309 (29 F.R. 12003) are hereby terminated as of June 15, 1965.

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

Dated: June 7, 1965, to become effective June 15, 1965.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-6080; Filed, June 10, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Claims Not Allowed

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.9(m) of Part 51, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.9 Claims not allowed.

* * * * *

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 18 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination; or unless other Division approved tests show the vaccinates are affected with virulent Brucellae.

* * * * *

(Sec. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The amendment will be of benefit to affected persons as it will permit the removal of "official vaccinates" under 30 months of age from infected herds with indemnity, thereby encouraging the owner to eradicate the infection from his herd sooner than if no indemnity were to be paid. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 8th day of June 1965.

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

[F.R. Doc. 65-6103; Filed, June 10, 1965; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Investment Advisory Services and Common Investment Advisers

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, and 3856, by amending §§ 107.703, 107.705, and 107.706.

Information and effective date. On March 2, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2683) concerning the amendment of §§ 107.703, 107.705, and 107.706 of the SBIC Regulation to authorize the employment of common investment advisers.

After due and careful consideration of the comments received, the Administration has determined to adopt the formal amendments published herewith, incorporating the text of the March 2, 1965 proposals, as being in furtherance of the best interests of the SBIC program.

In view of the Administrator's determination that it is necessary in the public interest that the revised provisions of the SBIC Regulation dealing with investment advisory services, common investment advisers, and related matters (§§ 107.703, 107.705, and 107.706) shall be promptly applied to the program authorized by the Small Business Investment Act of 1958, the present amendments shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting paragraph (b) of § 107.703 in its entirety and substituting therefor a new paragraph (b). As amended, § 107.703(b) reads as follows:

§ 107.703 Common management; investment advisory service.

* * * * *

(b) *Investment advisory services.*—(1) *General.* A Licensee may contract in writing with an individual or non-Licensee concern to serve on a continuing basis as its investment adviser to furnish consultation and advice with respect to the desirability of investing in, purchasing, or selling securities or other property. Such service shall be advisory only and shall not include the actual performance of management or operating activities of the Licensee. The contract must be approved by a vote of a majority of the members of the Licensee's board of directors. The Licensee shall, on or before the effective date thereof, furnish SBA with a copy of such contract for informational and record purposes. Where the Licensee is indebted to SBA for § 107.301 or § 107.402 funds, SBA reserves the right to approve the compensation of the investment adviser.

(2) *Common investment adviser.* Two or more Licensees may, with prior SBA approval, contract in writing with an individual or non-Licensee concern to serve on a continuing basis as their common investment adviser to furnish consultation and advice with respect to the desirability of investing in, purchasing, or selling securities or other property. Such service shall be advisory only and shall not include the actual performance of management or operating activities of the Licensee. In determining whether to approve such contract, SBA will, among other factors, give due consideration to its effect upon competition for small business financing in the respective Licensee's area or areas of operation, possible conflicts of interest, and the qualifications as well as compensation of the investment adviser.

(3) *Exempt contracts.* Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory services for purposes of this section.

2. By amending the caption accompanying § 107.705 to read, "Management consulting services"; deleting the phrase, "consulting and advisory services", which appears in paragraphs (a) and (b) of § 107.705, and substituting therefor the words, "management consulting services"; adding the following as the last sentence of paragraph (a): "The words, 'management consulting services' shall be regarded as having the same meaning and significance as and be deemed to be synonymous with the phrase, 'consulting and advisory services', which appears in section 308(b) of the Act."; inserting immediately after the words, "those small business concerns", appearing in subdivision (1) of § 107.705(b), the words, "whether or not financed by such Licensee"; deleting paragraph (c) in its entirety and substituting therefor a new paragraph (c); and adding a new paragraph (d). As amended, § 107.705 reads as follows:

§ 107.705 Management consulting services.

(a) *Nature of services.* Management consulting services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern. The words, "management consulting services", shall be regarded as having the same meaning and significance as and be deemed to be synonymous with the phrase, "consulting and advisory services", which appears in section 308 (b) of the Act.

(b) *Concerns eligible for services.* Management consulting services may be provided by a Licensee to only (1) those small business concerns, whether or not financed by such Licensee, which meet the eligibility requirements under the Act and the regulations thereunder; and (2) another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) *Services through independent contractor.* Management consulting services may be performed for small business concerns through an independent consultant under contract with the Licensee, whether or not such consultant has similar contracts with other Licensees.

(d) *Records.* A Licensee shall maintain a record for SBA inspection of time spent and charges made with respect to management consulting services performed for each small business concern financed by the Licensee.

3. By amending the caption accompanying § 107.706 to read, "*Subsidiary corporation for management consulting services*"; and deleting the phrase, "consulting and advisory services", which appears in paragraph (a) of § 107.706, and substituting therefor the words, "management consulting services". As amended, § 107.706(a) reads as follows:

§ 107.706 Subsidiary corporation for management consulting services.

(a) *Organization and capitalization of subsidiary.* A Licensee may organize and establish a corporation which shall become, and remain, chartered for the sole and express purpose of providing management consulting services to small business concerns subject to the provisions of the Act and regulations thereunder, including § 107.705, and including in addition thereto:

(1) All of the stock of the subsidiary corporation shall be owned and totally held by the individual Licensee that shall organize such subsidiary corporation; the parent-Licensee shall never sell, transfer or otherwise divest itself of any part of the stock of its subsidiary corporation, except that the parent-Licensee may transfer back part of the stock of its subsidiary corporation to the treasury of the subsidiary corporation and such stock shall be forthwith retired and canceled. In the event of the liquidation of the subsidiary corporation, the charter of such corporation shall be surrendered and terminated.

(2) Each officer or director of the subsidiary corporation must be at the same time either an officer or a director of the parent-Licensee.

(3) The financial investment by the parent-Licensee in its subsidiary corporation shall not exceed 1 percent of the Licensee's paid-in capital and paid-in surplus. Advances and other receivables due the parent-Licensee by its subsidiary corporation shall not exceed 1 percent of the Licensee's paid-in capital and paid-in surplus.

* * * * *

Dated: June 1, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-6044; Filed, June 10, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-AL-26]

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

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On January 8, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 225) stating that the Federal Aviation Agency proposed to revoke the control area extension, alter the control zone, and designate a transition area at Anchorage, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Although the notice proposed that the 700-foot floor transition area be designated within a 23-mile radius of the Anchorage VOR, further study has indicated that this transition area can be reduced to an 18-mile radius if described, for the most part, in relation to the Anchorage airport surveillance radar antenna site. This change in the airspace description would cause that portion of the transition area to conform to the authorized minimum radar vectoring altitude boundaries and provide easy reference to boundaries through the use of radar range marks. The new description would result in a further reduction of the 700-foot floor transition area from that proposed without derogation to controlled airspace requirements. Therefore, action is taken herein to reflect this change.

Also, subsequent to publication of the notice, it was determined that the Bryant Army Airfield operations and control tower would provide weather reporting and tower control service on a part-time basis. Therefore, provision is made for this circumstance by adding the time of designation to the description of the Bryant AAF Control Zone.

Since these changes to the notice of proposed rule making are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

The substance of the proposed amendment having been published, and for reasons stated herein and in the notice, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth, effective 0001 e.s.t., August 19, 1965.

1. In § 71.165 (29 F.R. 17558), the Anchorage, Alaska, Control Area Extension is revoked.

2. In § 71.171 (29 F.R. 17582), the Anchorage, Alaska (Anchorage International Airport), Control Zone is amended to read:

Within a 5-mile radius of Anchorage International Airport (latitude 61°10' N., longitude 149°58' W.); within 2 miles each side of the Anchorage RR SW course extending from the 5-mile radius zone to 8 miles SW of the RR; within 2 miles each side of the Anchorage VOR 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Anchorage ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) Control Zone.

3. In § 71.171 (29 F.R. 14583), the Anchorage, Alaska (Bryant AAF), Control Zone is amended to read:

Within a 3-mile radius of Bryant AAF (latitude 61°16' N., longitude 149°40' W.), excluding the portion west of longitude 149°43' W. This control zone is effective from 0700 to 2100 hours, local time, daily.

4. In § 71.171 (29 F.R. 14583), the Anchorage, Alaska (Merrill Field/Elmendorf AFB), Control Zone is amended to read:

Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49' W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

5. In § 71.181 (29 F.R. 19185), the Anchorage, Alaska, Transition Area is amended to read:

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage airport surveillance radar antenna site (latitude 61°16' N., longitude 149°50' W.); within 2 miles each side of the Anchorage RR SW course extending from the 18-mile radius transition area to 10 miles SW of the RR, and within 5 miles north and 8 miles south of the Anchorage VOR 260° Radial, extending from the 18-mile radius transition area to 12 miles west of the Anchorage VOR; that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Anchorage VOR extending clockwise from the SW boundary of Victor Airway 440, northwest of Anchorage, to the S boundary of Victor Airway 510, northeast of Anchorage, and within a 55-mile radius of the Anchorage VOR extending clockwise from the S boundary of Victor Airway 510, northeast of Anchorage, to the SW boundary of Victor Airway 440, northwest of Anchorage; and that airspace extending upward from 14,500 feet m.s.l. within a 172-mile radius of the Anchorage VOR, excluding the portions within the United States, Federal airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

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

Issued in Anchorage, Alaska, on June 3, 1965.

R. G. TAYLOR, Jr.,
Acting Director, Alaskan Region.

[F.R. Doc. 65-6048; Filed, Jun. 10, 1965; 8:45 a.m.]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Changes in Isogonic Values

The U.S. Coast and Geodetic Survey has recently completed its periodic 5-year survey (Epoch 1965) of isogonic values. This survey shows a change of approximately one degree in magnetic variation in nearly 500 standard instrument approach procedures now published in Part 97 of the Federal Aviation Regulations.

The one-degree change in magnetic direction as applied to affected instrument approach procedures is minor in nature and does not adversely affect the use of the instrument approach procedures as published in Part 97. Therefore, it is not necessary in the interest of safety to issue immediate and simultaneous amendments correcting the magnetic directions for the affected instrument approach procedures. However, changes in magnetic direction shown by the survey will be incorporated in each standard instrument approach procedure as it is revised by the Agency during the normal revision cycle. Under this revision, each instrument approach procedure appearing in the FEDERAL REGISTER beginning with Amendment 431 will contain the corrections in magnetic direction, if any, for that instrument approach procedure.

Pending the completion by the Agency of the magnetic bearing adjustment in each of the affected Standard Instrument Approach Procedures of Part 97, the U.S. Coast and Geodetic Survey, and other persons engaged in the publication of instrument approach charts for the procedures prescribed in that Part may elect to incorporate in their charts the magnetic bearing adjustments resulting from the changes in the isogonic values for Epoch 1965.

Issued in Washington, D.C., on June 2, 1965.

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

[F.R. Doc. 65-6050; Filed, June 10, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56421]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Monaco

JUNE 3, 1965.

The Secretary of State has advised the Secretary of the Treasury that on May 3, 1965, the Department of State obtained satisfactory proof from the Government of Monaco that no discriminating duties of tonnage or imposts are imposed or levied in ports of Monaco upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Monaco in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2, October 23, 1963 (28 F.R. 11570), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Monaco, and the produce, manufactures, or merchandise imported into the United States in such vessels from Monaco or from any other foreign country. This suspension and discontinuance shall take effect from May 3, 1965, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and on longer.

In accordance with this declaration, § 4.22, Customs regulations, is amended by the insertion of "Monaco" immediately after "Mexico" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4228, as amended; sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6084; Filed, June 10, 1965; 8:48 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

PACKAGING MATERIALS FOR USE IN RADIATION PRESERVATION OF PREPACKAGED FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1670) filed by the U.S. Atomic Energy Commission, Washington, D.C., 20545, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of vinylidene chloride copolymer-coated cellophane as a packaging material that may be safely subjected to irradiation incidental to the radiation preservation of prepackaged foods. 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), § 121.2543(b) is amended by changing subparagraph (1) to read as follows:

No. 112——2

§ 121.2543 Packaging materials for use in radiation preservation of prepackaged foods.

* * * * *

(b) * * *

(1) Nitrocellulose-coated or vinylidene chloride copolymer-coated cellophane complying with § 121.2507.

* * * * *

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: June 7, 1965.

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

[F.R. Doc. 65-6077; Filed, June 10, 1965; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.4(c) subparagraph (1) is revoked as follows:

§ 203.4 Approval of other institutions.

* * * * *

(c) *Special requirements—nonsupervised institutions.* * * *

(1) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., June 7, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-6101; Filed, June 10, 1965; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 348-65]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Guidance and Assistance Regarding Standards of Ethical Conduct

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), § 0.25 of Part 0 of Title 28 of the Code of Federal Regulations (Order No. 271-62) is hereby amended by adding at the end thereof the following new paragraph:

§ 0.25 General functions.

* * * * *

(l) Providing guidance and assistance to personnel of the Department of Justice in matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws, Executive Order No. 11222 of May 8, 1965, or Part 45 of this title.

Dated: June 8, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6093; Filed, June 10, 1965; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made in Chapter 8:

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

1. In Part 8-2, the introductory portion of § 8-2.102 preceding paragraph (a) is amended to read as follows:

§ 8-2.102 Policy.

Contracts in excess of $2,500, or in excess of $1,000 for contracts made for repairs to property acquired by the Veterans Administration under chapter 37, title 38, United States Code, will be made by formal advertising when all of the following elements necessary to formal advertising are present.

* * * * *

PART 8-3—PROCUREMENT BY NEGOTIATION

2. In Part 8-3, the introductory portion of § 8-3.101 preceding paragraph (a) is amended to read as follows:

§ 8-3.101 General requirements for negotiation.

Contracts in excess of $2,500 or $1,000 for contracts made for repairs to properties acquired under chapter 37, title 38, United States Code, will be entered into by negotiation only in the absence of any one or more of the elements essential to formal advertising set forth in § 8-2.102, or when:

* * * * *

3. In § 8-3.215, paragraph (f) is amended to read as follows:

§ 8-3.215 Otherwise authorized by law.

* * * * *

(f) Supplies and services, Loan Guaranty—Contracts for the purchase of supplies and services required in connection with property acquired by the Veterans Administration through the operation of the loan guaranty and direct loan programs will be made in accordance with the authority contained in 38 U.S.C. 1820(b):

* * * * *

PART 8-7—CONTRACT CLAUSES

4. In Part 8-7, §§ 8-7.150-12 through 8-7.150-15 are added to read as follows:

§ 8-7.150-12 Visits to Veterans Administration Guidance Centers.

The following clause will be included in contracts entered into for services relating to vocational counseling:

Any duly authorized representative of the Veterans Administration shall at all reasonable times be permitted to inspect the counseling and testing operations being performed under this contract and the records of these operations.

§ 8-7.150-13 Time spent by counselee in counseling process.

Insert the following clause in contracts entered into for services relating to vocational counseling:

The contractor agrees that no counselee referred under the provisions of this agreement will be required to give any extra time in connection with the counseling process to supply test results or other information for purposes other than those specified in this contract.

§ 8-7.150-14 Use and publication of counseling results.

Insert the following clause in contracts entered into for services relating to vocational counseling:

The contractor agrees that none of the information or data gathered in connection with the services specified in this contract or studies or materials based thereon or relating thereto will be publicized without the prior approval of the Chief Benefits Director or his designee.

§ 8-7.150-15 Termination for convenience of the Government.

The following clause will be included in contracts relating to vocational counseling only in those instances where it is not otherwise possible to consummate a contract:

(a) If the Government terminates all or any part of this contract for the convenience of the Government, the Government will pay such sum as is agreed upon as reasonably necessary to compensate the contractor for loss resulting from commitment to contractor's staff personnel, over a period not to exceed 60 days beyond the effective date of the termination, provided that the contractor will use every effort to relocate the staff personnel in other employment immediately following termination; any agreement hereunder shall be embodied in the settlement agreement. Should the contractor, after making reasonable effort, be unable to relocate the staff employees in other employment within the 60-day period following termination of service, the causative factors will be explained in the settlement agreement and the Government will pay such sum as is agreed upon as reasonably necessary to compensate the contractor for loss resulting from commitment to contractor's staff within the academic year.

(b) In the event the Contracting Officer and the contractor cannot agree upon a satisfactory settlement agreement, it shall be considered a dispute under the provisions of the disputes clause and will be settled in accordance with the provisions listed therein.

5. A new Subpart 8-7.51 is added to read as follows:

Subpart 8-7.51—Cost Reimbursement Type Contracts for Vocational Rehabilitation and Education

AUTHORITY: The provisions of this Subpart 8-7.51 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

§ 8-7.5100 Scope of subpart.

(a) This subpart sets forth contract clauses for use in cost reimbursement type contracts relating to vocational rehabilitation and education.

(b) Additional clauses not inconsistent with those listed in this subpart are authorized when determined necessary or desirable by the Contracting Officer.

(c) A prescribed form may not be altered except when specifically authorized. Clauses used under the provision of paragraph (b) of this section will be included either in the schedule or continuation sheets or in supplementary general provisions.

(d) Clauses inconsistent with those listed in this subpart, but considered essential to the procurements of training and education may be used as provided in the deviation procedure set forth in § 8-1.108.

§ 8-7.5101 Clauses to be used when applicable.

The clauses contained in this section will be included in contracts relating to vocational rehabilitation and education under the conditions set forth in connection with each clause.

§ 8-7.5101-1 Assignment of claims.

Insert the clause set forth in FPR 1-30.703 under the conditions contained therein.

§ 8-7.5101-2 Default.

Insert the clause set forth in FPR 1-8.707.

§ 8-7.5101-3 Disputes.

Insert the clause set forth in FPR 1-7.101-12

§ 8-7.5101-4 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 1-7.101-13 if the contract is expected to exceed $10,000.

§ 8-7.5101-5 Buy American Act.

Insert the clause set forth in FPR 1-6.104-5 under the conditions contained therein.

§ 8-7.5101-6 Convict labor.

Insert the clause set forth in FPR 1-12.203 under the conditions contained in FPR 1-12.202.

§ 8-7.5101-7 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in FPR 1-12.303 under the conditions contained in FPR 1-12.302.

§ 8-7.5101-8 Equal opportunity.

Insert the clause set forth in FPR 1-12.803-2 under the conditions contained in FPR 1-12.803-1.

§ 8-7.5101-9 Officials not to benefit.

Insert the clause set forth in FPR 1-7.101-19.

§ 8-7.5101-10 Inspection.

Insert the following clause in contracts entered into with educational institutions and training establishments for vocational rehabilitation and education:

INSPECTION

The contractor will permit the duly authorized representative of the Veterans Administration to visit the place of instruction as may be necessary and examine the training facilities and work of the veterans in training under this contract.

§ 8-7.5101-11 Extension of contract period.

The following clause will be included in contracts where appropriate pertaining to services for vocational rehabilitation and education:

EXTENSION OF CONTRACT PERIOD

This contract may be extended from year to year if agreeable to both parties provided the agreement for extension is consummated 30 days prior to the expiration date, and further provided that there is no change in the provisions, terms, conditions, or rate of payment. Any extension made hereunder is subject to the availability of funds during the period covered by the extension.

PART 8-14—INSPECTION AND ACCEPTANCE

6. In Part 8-14, §§ 8-14.152 through 8-14.152.2 are added to read as follows:

§ 8-14.152 Inspection of repairs for properties under the loan guaranty and direct loan programs.

Final inspection will be made of all repair programs upon completion. In addition, such intermediate or progress inspections will be made on extensive or technical jobs as specified in the contract.

§ 8-14.152-1 Repairs of $1,000 or less.

(a) Generally, inspections required will be made by the management broker. If the property has not been assigned to a management broker or if it has been determined that the nature of the repairs requires supervision by a technician, the inspection will be made by a qualified fee or staff inspector.

(b) There is no form prescribed for this inspection but VA Form 26-1839, Compliance Inspection Report, may be used if desired. Regardless of the form in which the report is submitted, it will be in sufficient detail to identify the contractor, property, and the repair program and to enable the contracting officer to make a determination that the work is being performed satisfactorily or completed in accordance with the terms of the contract.

§ 8-14.152-2 Repairs in excess of $1,000.

(a) The final inspection and any intermediate or progress inspections on repairs exceeding $1,000 will be made by a qualified fee or staff inspector. If a management broker is qualified to supervise major repairs, he may be authorized to conduct the inspections.

(b) Report of inspections will be made on VA Form 26-1839, Compliance Inspection Report. The form will be completed to identify the property, contractor, and repair program and will also include such detailed information to enable the Contracting Officer to make a determination that the work is being performed satisfactorily or that it has been completed in accordance with the contract terms. Any deficiencies noted will be itemized and explained in detail.

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7. A new Part 8-15 is added to read as follows:

PART 8-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 8-15.50—Contract Cost Principles and Procedures

AUTHORITY: The provisions of this Part 8-15 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8-15.50—Contract Cost Principles and Procedures

§ 8-15.5000 Scope.

This subpart contains general cost principles and procedures for the determination and allowance of costs in connection with the negotiation and administration of cost reimbursement type contracts pertaining to the furnishing of vocational rehabilitation, education, and training to eligible veterans under chapter 31 of title 38, United States Code.

§ 8-15.5001 Allowable costs under cost reimbursement vocational rehabilitation and education contracts or agreements.

§ 8-15.5001-1 Tuition.

(a) Except as provided in this section when the contractor has a customary cost of tuition the charge to the Veterans Administration may not exceed that charged to similarly circumstanced nonveteran students; provided that where the contractor has more than one standard charge for the same service, the charge to the Veterans Administration will be the lowest price for the entire course, semester, quarter, or term which is offered or published.

(b) Tuition or incidental fees may not be paid to institutions or establishments furnishing apprentice or other training on-the-job. However, such charges customarily made by nonprofit workshop or similar establishment for providing work adjustment training to similarly circumstanced nonveterans may be paid even though an incentive wage is paid the trainee as part of the training.

(c) When the total cost of instruction is paid from Federal funds or a portion of the cost is covered by grants from the Federal Government, i.e., Smith-Hughes or other laws, excluding Federal Land Grant Funds, such subsidy will be taken into consideration in determining the charge to the Veterans Administration. The term, Federal Land Grant Funds, refers to those received under the Morrill-Nelson Act (Morrill Acts of 1862 and 1890 and the Nelson amendment of 1907) and section 22 of the Bankhead-Jones Act of 1935.

(d) Payments on behalf of a veteran who receives a fellowship, scholarship, grant-in-aid, assistantship, or similar award in complete or partial payment of tuition or fees or both will be made in accordance with the following:

(1) The award will reduce, to the extent of the award, the amount of tuition or fee or both that is payable by the Veterans Administration.

(2) Awards which are not paid in cash, except those which are made specifically for the purpose of defraying the cost of room and board in dormitories which will be disregarded, will reduce to the extent of the award the charges for which the Veterans Administration is responsible.

(3) Cash awards may be retained by the veterans and will not be deducted from charges ordinarily paid by the Veterans Administration.

(4) Waivers of tuition and fees provided under law by States or other Government authority will be utilized to reduce the charges payable by Veterans Administration in accordance with such waivers.

(e) Enrollment fees in an amount sufficient to cover the cost of registration may be paid, provided the institution or training establishment usually makes such a charge, and it does not exceed that charge made to other students or trainees.

§ 8-15.5001-2 Special services or courses.

Special services or courses are those services requested by the Veterans Administration which are over and above those customarily required by the institution for similarly circumstanced nonveterans and are considered by the Contracting Officer to be necessary for the vocational rehabilitation of the trainee. The costs of such special services or courses will be negotiated prior to being requested by the Veterans Administration.

§ 8-15.5001-3 Books, supplies, and equipment required to be personally owned.

(a) Reimbursement for books, supplies, or equipment and referred to as supplies, will be made as provided in this section.

(1) Reimbursement will be made for those supplies customarily required to be owned personally by all students taking the same course or courses. In no instance will the supplies be in a greater variety, quality, or amount than required of nonveteran students. In this instance required is in contradistinction to requested or desirable to have or necessary for a future profession or job but not required by the institution of all students in the course.

(2) When supplies are available in several prices, grades, or qualities, reimbursement may be made only for such quality or grade that will meet the requirements.

(3) Partial payment agreements in which the Veterans Administration shares payment with the veterans is not allowable.

(4) The costs incurred by the institution in connection with the veteran's thesis such as typing, printing, microfilming, or otherwise reproducing the required number of copies; research expenses when certified by the veterans committee chairman, major professor, department head, or appropriate dean that such expenses are required in order to complete the course requiring the preparation of a thesis are considered as supplies and are authorized for reimbursement.

(5) When the institution operates a bookstore or supply store for all students the reimbursement for supplies issued to trainees will be no greater than charges made to nonveteran students.

(6) Where the institution arranges for issuance of supplies to all students by stores or establishments not institutionally owned and to pay such store or establishment for supplies issued to

trainees, reimbursement is allowable provided the charges are no greater than those paid by nonveteran students or to the institutions whichever is the lesser.

(7) Supplies purchased by the institution specifically for trainees will be reimbursed at the net cost to the institution.

(8) Where it is customary in a survey subject to permit each student to obtain the aggregate of books for the subject on a rental basis (commonly referred to as a rental set) and the ownership or permanent possession by the student is not required, reimbursement is authorized for the rental charge provided it does not exceed the charge made to nonveteran students.

(9) Educational and training institutions furnishing supplies to trainees which are required to be owned personally or on a rental basis by all students pursuing the same or similar course may be compensated for such services in an amount not exceeding 10 per centum of the allowable charge for the supplies furnished or rented except:

(i) Where the tuition covers the charges for supplies or rentals or a stipulated fee is assessed all students, handling charges are not allowable.

(ii) The handling charge is not allowable for Government-owned books procured by the institution from the Library of Congress.

(iii) In cases where an item of equipment will exceed $50 in cost, effort will be made to secure a lower handling charge than for those costing a lesser amount. The agreed per centum for such handling charges will be included in the contract or added as an addendum.

§ 8-15.5001-4 **Medical services and hospital care.**

(a) Where the medical service and hospital care provided by an institution through payment of its customary student health fee are considered adequate for trainees under chapter 31, title 38, United States Code, payment for such fees may be authorized.

(b) Where medical services or hospital care not covered by the customary students health fee are available in the school operated facilities or arrangements have been made by the institution with doctors and hospitals in the immediate area, reimbursement for such services may be included in the contract or agreement provided they do not exceed the general rates established for such services by the Chief Medical Director.

(c) If there is a Veterans Administration contract with a public or private institution or clinic for furnishing outpatient treatment or hospitalization in the area of the school or place of training, reimbursement under paragraph (b) of this section will not be allowable except where the Manager, VA Regional Office, determines that the interests of the veterans would best be served by treatment or hospitalization in the school operation facilities.

§ 8-15.5001-5 **Administrator's Decision No. 557.**

(a) Fees and expenses authorized under Administrator's Decision No. 557 may be authorized for payment when the educational institution or training establishment makes such payments on behalf of the veteran.

(b) Payment for fees and expenses not made by the educational institution or training establishment will be made in accordance with Subpart 8-3.6 of this chapter or FPR 1-3.210(a)(1).

§ 8-15.5001-6 **Consumable instructional supplies.**

(a) Reimbursement for consumable instructional supplies which institutions require for the instruction of all students, veteran or nonveteran, pursuing the same or comparable course or courses will be made when:

(1) The supplies are entirely consumed in the fabrication of a required project.

(2) The supplies are not consumed but are of such a nature that they cannot be salvaged from the end product for reuse for further instructions by disassembling or dismantling the end product.

(b) Reimbursement for consumable instructional supplies is not allowable when:

(1) The supplies can be salvaged for reuse.

(2) The supplies used in a project which has been elected by the student as an alternate class project in order to produce an end product of greater value than that which is normally required to learn the skills of the occupation and which will become his property upon completion.

(3) The supplies used in a project which has been selected by the institution to provide the student with a more elaborate end product than is required to provide adequate instruction as an inducement to the veteran to elect a particular course of study.

(4) The salable value of the end product is equal to or greater than the cost of the supplies used in its fabrication or assembly and a reasonable use has not been made of such supplies so that they are not readily salvaged from the end product to be reused for instructional purposes.

(5) The end product is of permanent value and retained by the institution.

(6) A third party provides the articles or equipment for repair or improvement and for which he would otherwise pay a commercial price.

(7) The number of projects resulting in end products in excess of the numbers normally required to teach the recognized job operations and processes of the occupation stipulated in the approved course of study.

(8) The cost of supplies are included in the charge for tuition or as a fee designated for such purpose.

PART 8-16—PROCUREMENT FORMS

8. In Part 8-16, a new Subpart 8-16.2 is added to read as follows:

Subpart 8-16.2—Forms for Negotiated Supply Contracts

§ 8-16.201-150 **Forms prescribed.**

(a) The VA form prescribed in § 8-16.401-50 will be used for negotiated contracts relating to repairs and maintenance on properties acquired by the Veterans Administration under the loan guaranty program.

(b) The following VA forms are prescribed for use when entering into contracts relating to vocational rehabilitation and education in lieu of those listed in FPR 1-16.1 and 1-16.2.

(1) VA Form 22-1903 (21E-1903), Contract for Education and Training.

(2) VA Form 21E-1905, Authorization and Notice of Entrance or Reentrance into Training.

(3) VA Form 21E-1931, Contract for Services Relating to Vocational Counseling.

(4) VA Form 21E-1933, Contract for Services Relating to Vocational Counseling.

9. A new Subpart 8-16.4 is added to read as follows:

Subpart 8-16.4—Forms for Advertised Construction Contracts

§ 8-16.401-50 **Forms prescribed.**

Except as stated in paragraph (b) of this section the following VA form will be used in lieu of those listed in FPR 1-16.4 when entering into contracts for repairs and maintenance on properties acquired by the Veterans Administration under the loan guaranty program.

(a) Invitation, Bid, and/or Acceptance or Authorization (VA Form 26-6724).

(b) Contracts authorized to be made by management brokers in amounts of $200 or less will be made as prescribed by the Chief Benefits Director.

PART 8-75—DELEGATIONS OF AUTHORITY

10. In Part 8-75, §§ 8-75.201-12 and 8-75.201-13 are added to read as follows:

§ 8-75.201-12 **Loan guaranty program.**

(a) The authority to execute, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for supplies or services for the maintenance, protection, repair, rehabilitation, enlargement, completion, conversion, or demolition of properties acquired under chapter 37, title 38, United States Code, is delegated to:

(1) Chief Benefits Director.

(2) Director, Loan Guaranty Service.

(3) Manager, Regional Office.

(4) Manager, Veterans Benefits Office (Washington, D.C.).

(5) Loan Guaranty Officer.

(6) Assistant Loan Guaranty Officer.

(b) The Contracting Officers named in paragraph (a) of this section may designate one or more of their subordinates and authority is hereby delegated to such subordinates to execute, award, and administer contracts, purchase orders, and other agreements for the purposes stated in paragraph (a) of this section. Designations will be in writing and will specifically state the scope and limitations of the designee's contractual authority.

§ 8-75.201-13 **Vocational rehabilitation and education programs.**

(a) Except as stated in this section, the authority to negotiate, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for the vocational rehabilitation program is delegated to:

(1) Chief Benefits Director.

(2) Director, Compensation, Pension, and Education Service.

(3) Manager, Regional Office.

(4) Director, VA Center.

(5) Manager, Veterans Benefits Office (Washington, D.C.).

(b) The Chief Benefits Director and Director, Compensation, Pension, and Education Service are delegated authority to execute contracts, agreements, or supplements thereto for correspondence courses.

(c) The Chief Benefits Director, Director, Compensation, Pension, and Education Service, Manager, Regional Office and Center Director are delegated authority to execute contracts, agreements, or supplements thereto with educational institutions and other approved agencies for the purpose of providing services relative to the counseling of persons eligible for vocational rehabilitation under chapter 31, title 38, United States Code, or educational assistance under chapter 35, title 38, United States Code.

(d) The Chief Benefits Director is delegated authority to execute contracts, agreements, or supplements thereto with State Approving Agencies for services relating to approving educational institutions.

(e) The Contracting Officers named in paragraphs (a), (b), and (c) of this section may designate one or more of their subordinates and authority is hereby delegated to such subordinates to negotiate, award, and administer contracts, purchase orders, and other agreements for the purposes stated in paragraphs (a), (b), and (c) of this section. Designations will be in writing and will specifically state the scope and limitations of the designee's contractual authority.

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11. A new Part 8-95 is added to read as follows:

PART 8-95—LOAN GUARANTY AND VOCATIONAL REHABILITATION AND EDUCATION PROGRAMS

AUTHORITY: The provisions of this Part 8-95 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8-95.1—Loan Guaranty Program

§ 8-95.100 Scope of subpart.

This subpart sets forth policy and procedure with respect to the loan guaranty and direct loan programs as it pertains to property management matters, including the acquisition, management, and disposition of property, real, personal, or mixed, which were secured by loans guaranteed, insured, or made pursuant to title 38, United States Code.

§ 8-95.101 Policy.

It is the policy of the Veterans Administration that all procurement effected by formal advertising or negotiation pertaining to the expenditure of funds for the repair and maintenance of Veterans Administration property acquired under chapter 37, title 38, United States Code, be made in accordance with those regulations as set forth in FPR 1-2 and 1-3 as supplemented or implemented by Parts 8-2 and 8-3 of this chapter and otherwise authorized by this Subpart 8-95.1 and specific subparts or sections as stated in this subpart.

§ 8-95.102 Authorization for repairs to properties.

(a) Except as provided in this subpart, Managers are authorized to purchase supplies and services for the repair to any Veterans Administration property acquired under chapter 37, title 38, United States Code, where the cost does not exceed $2,500 on any single transaction.

(b) In those cases where the expenditure is known or estimated to exceed $2,500, the request, together with the loan guaranty folder, will be forwarded to the Chief Benefits Director for approval.

(c) During the period when the Veterans Administration has assumed custody of the property from a holder and prior to its conveyance to the Veterans Administration pursuant to Veterans Administration Regulation 4320 (38 CFR 36.4320), repairs are authorized not in excess of $500, when appropriate to make the property ready for sale at an earlier date than would otherwise be possible if the repair program was delayed until such time as the Veterans Administration acquired absolute title.

(d) No repairs may be made to property by the holder when it has continued custody except for emergency repairs not in excess of $50 unless adequate notice has been given the Manager, VA Regional Office. Emergency repairs as applied in this paragraph will be deemed to mean those requiring immediate action to preserve the property from serious damage or to correct a situation imminently dangerous to life or limb, and includes the initial cleanup of the property in order to prevent the risk of damage by fire or vandalism.

(e) An approved management broker may be authorized, at the time a property is listed with him, to incur expenses for fuel and utilities or other recurring items which are required to be furnished by the Veterans Administration to its tenants or are required in the maintenance of the property. Advance blanket authorizations to management brokers will be limited to repairs not in excess of $50 in any transaction. Repair jobs may not be split to circumvent this restriction. Expenditures in excess of $50 require prior approval of the Manager, regional office, having jurisdiction of the property.

§ 8-95.103 Repair specifications.

(a) Repair specifications covering authorized repairs will be formulated in sufficient detail to permit competitive bids on an identical basis and as a minimum will contain the following:

(1) Requirement that the contractor obtain all necessary permits.

(2) Where the property is vacant, require that the contractor provide the heat, light, power, and water necessary to accomplish the work.

(3) Requirement that inspection will be made at stated intervals if appropriate and that final inspection will be made in all cases.

(4) Any other requirement necessary to protect the interests of the Government.

(b) The minimum construction requirements may be used as a guide in the preparation of repair specifications. Specifications should not require conformance with minimum construction requirements in cases where scope of repairs are minor, the relatively small value of the property or its poor salability. The quality of repairs to be specified shall be consistent with the type and value of the property.

(c) In all cases, the specifications for repairs will be based on one of the following categories:

(1) Minimum specifications for rental purposes.

(2) Average specifications for sales purposes.

(3) Above average specifications for desirable properties.

§ 8-95.104 Qualification of bidders.

(a) Qualifications of bidders shall be established in accordance with the procedures outlined in FPR 1-1.310-5 and 1-1.310-6 and § 8-1.310-6 of this chapter.

(b) Management brokers are not considered acceptable bidders for repair contracts due to their close association on a fee basis with the Veterans Administration. This restriction would apply equally to any contracting firm in which the management broker has an interest and in which it could be presumed that such firm would have an advantage over the other bidders. This does not preclude the performance of work by management brokers of a routine recurring maintenance category or minor repairs by personnel employed directly on the payroll of the broker. In these cases, it must be established that any charges for such services are not in excess of the prevailing fees for like services in the area.

§ 8-95.105 Debarred, suspended or ineligible bidders.

Firms or individuals will be debarred or suspended in accordance with FPR 1-1.6 and Subpart 8-1.6 of this chapter.

§ 8-95.106 Lien waivers.

(a) Contracts in the amount of $1,000 or more will contain a requirement that the contractor will sign a formal release in full or a lien waiver before payment may be made. The release or waiver will accompany the contractor's invoice.

(b) Contractors will be required to notify the Manager, Veterans Administration regional office, of any subcontracts for services or materials in excess of $1,000. Such subcontractors or material men will be required to sign the release or waiver jointly with the prime contractor or to execute release or waiver in his own name.

(c) Prior to any authorized partial payment the contractor will be required to execute a release or waiver.

(d) Due to the variations of local law, no standard release or waiver is prescribed. Each release or waiver will be prepared in accordance with local law and will be in form acceptable by the Chief Attorney.

§ 8-95.107 Stipulations against liens.

(a) Where determined necessary by the Manager, Veterans Administration regional offices, contracts in an amount less than $1,000 may contain the following:

The contractor expressly waives any and all rights to file or maintain any mechanics lien or claim against the aforesaid premises.

(b) Contracts in the amount of $1,000 or more or where there is doubt as to the financial responsibility of the contractor will provide maximum protection to the Government by including such requirements as are available under local law. Advice and approval of any contract stipulation or legal stipulations against liens will be obtained from the Chief Attorney.

Subpart 8-95.2—Vocational Rehabilitation and Education Program

§ 8-95.200 Scope of subpart.

This subpart sets forth policy and procedures with respect to the vocational rehabilitation and education program as it pertains to contracts for training, education, guidance and approval of institutions and training establishments.

§ 8-95.201 General.

§ 8-95.201-1 Requirements for use of contracts.

Contracts will be negotiated for tuition, fees, books, supplies, equipment, and other allowable expenses incurred by the institution for the training of eligible veterans under chapter 31, title 38, United States Code, under the following circumstances:

(a) With institutions offering courses of instruction by correspondence. Courses of instruction by correspondence is deemed to mean a course of education or training conducted by mail consisting of regular lessons or reading assignments, the preparation of required written work which involves the application of principles studied in each lesson, the correction of assigned work with such suggestions or recommendation as may be necessary to instruct the student, the keeping of student achievement records and issuance of a diploma, certificate, or other evidence to the student upon satisfactorily completing the requirements of the course.

(b) With institutions, establishments, or individuals approved to provide training to eligible veterans under chapter 31, title 38, United States Code, for whom special services are furnished at the request of the Veterans Administration.

§ 8-95.201-2 Requirements when contracts are not required.

(a) When a contract is not required, a signed statement of charges will be obtained from the educational institution or training establishment for courses to be offered, including the rate of tuition, fees, and separate charges, if any, for books, supplies, and equipment handling charges, refund policy and such other provisions as are required to determine proper payment. The statement of charges may be in the form of a statement on VA Form 21E-1905, Authorization and Notice of Entrance or Reentrance into Training, that charges will be in accordance with catalog or other published document (identify publication). The statement of charges may not exceed those charges paid by nonveterans or that is published in the school catalog or other published document.

(b) For the purpose of this section a contract will not be required when all tuition, fees, books, supplies, or services necessary to train, or educate an eligible veteran under chapter 31, title 38, United States Code, are published in the school catalog or other published document.

§ 8-95.201-3 Medical services.

The medical services provided trainees under vocational rehabilitation and education contracts, agreements, or arrangements are separate and distinct from any other medical service under the jurisdiction of the Department of Medicine and Surgery to which the veteran may be entitled and no certificate of eligibility is required from that department.

§ 8-95.201-4 Letter contracts.

Pursuant to FPR 1-3.408 and § 8-3.408, letter contracts are authorized for use in those cases where it is not possible to complete a formal contract with an approved institution prior to the enrollment of eligible veterans for training.

§ 8-95.202 Marking and release of supplies.

Supplies will not be marked to indicate ownership by the United States and will be deemed released to the trainee at the time they are furnished.

§ 8-95.203 Renewals or supplements to contracts.

Except for contracts for vocational counseling, contracts may be renewed from year to year, providing there is no change in the schedule or provisions as originally consummated by completion of a renewal agreement no later than 30 days prior to the expiration of the contract.

(a) Supplements may be negotiated at any time during the contract period upon the completion of a supplemental agreement.

(b) Contracts for vocational counseling may provide for automatic extension from year to year.

§ 8-95.204 Guaranteed payment.

No contract or agreement may be entered into with any educational institution or training establishment whereby the Veterans Administration will be required to pay a minimum charge or be required to enroll a minimum number of trainees per quarter, semester, course, or term.

§ 8-95.205 Proration of charges.

The contract will include the exact formula agreed upon for the proration of charges in the event that trainees are withdrawn or discontinued prior to the end of the term, semester, course, or quarter, or the course is completed in less time than that stated in the contract.

§ 8-95.206 Other fees and charges.

Fees and other charges which are not prescribed by law but are by nongovernment organizations such as initiation fees required to become a member of a labor union and the dues necessary to maintain membership incidental to training on-the-job may be paid provided there are no facilities feasibly available whereby the necessary training can be accomplished without paying such charges. Payment for such fees will be made in accordance with Subpart 8-3.6.

§ 8-95.207 Payment of tuition or fees.

(a) Contracts, agreements, or arrangements requiring the payment of tuition or fees will provide for the following:

(1) Payment for tuition or fees will be made in arrears and will be prorated in installments over the school year or the length of the course except:

(i) Institutions may be paid in accordance with the provision of subparagraph (2) of this paragraph, provided such institutions operate on a regular term, quarter, or semester basis and normally accept students only at the beginning of the term, quarter, or semester and provided further such institutions are either:

(*a*) Institutions of higher learning that use a standard unit of credit recognized by accrediting associations (such institutions will include those which are members of recognized national or regional educational accrediting associations and those which, although not members of such accrediting associations, grant standard units of credit acceptable at full value without examination by collegiate institutions which are members of national or regional accrediting associations).

(b) Public tax supported institutions.

(c) Institutions operated and controlled by State, county, or local boards of education.

(2) Institutions coming within the exceptions of subparagraph (1) of this paragraph which have a refund policy providing for a graduated scale of charges for purposes of determining refunds may be paid part or all such tuitions or fees for a term, quarter, or other period of enrollment immediately following the date on which the refund expires.

(3) Proration of charges will not apply to a fee which is for noncontinuing service such as registration fee, etc.

(b) The period for which payment of charges may be made will be the period of actual enrollment and subject to the following:

(1) The effective date will be the date of the trainee's entrance into training status except that payment may be made for an entire semester, quarter, or term in institutions operating on that basis if the trainee enters no later than the final date set by the institution for enrolling for full credit.

(2) In those cases where the institution has not set a final date for enrolling for full credit or will not set a date acceptable to the Veterans Administration, payment may be prorated on the basis of attendance regardless of the refund policy.

(3) If an institution customarily charges for the amount of credit or number of hours of attendance for which a trainee enrolls, payment may be on that basis when a trainee enrolls after the final date permitted for carrying full credit for the semester or term.

(c) The terminal date to which payment will be made is the day following:

(1) The end of the semester, term, or quarter during which the training is furnished.

(2) The date of interruption or discontinuance of training.

(3) The date of completion of the course.

§ 8–95.208 Exclusion of Federal admission taxes.

Where applicable, contracts, agreements, or arrangements will provide for the exclusion of admission taxes from fees or charges where the payment of which entitles the trainee to admission to athletic or other events subject to the tax. (26 U.S.C. 4231(1))

§ 8–95.209 Records and reports.

Contracts, agreements, or arrangements will provide for the number and frequency of reports, adequate financial records to support payment for each trainee and maintainance of attendance and progress records. Such records are to be preserved for at least a period of 3 years following the date of the last payment or a longer period if requested by a representative of the General Accounting Office or the Veterans Administration.

§ 8–95.210 Correspondence courses.

Contracts with institutions for correspondence courses will provide that:

(a) Major changes in courses or course material will not be binding on the Veterans Administration until such time as a supplemental agreement is negotiated to the contract.

(b) Minor changes in course or course material not affecting the length of the course or number of lessons and not lowering the educational value of the course or the quality of the course material such as revision of text, the substitution of a newer lesson for an older one or the substitution of equipment of equal or greater value are permitted without supplemental agreements. Such minor changes and revisions shall be placed on file with the Contracting Officer at the time of the change or revision.

(c) Trainees be provided with prompt and adequate lesson service and, unless otherwise specified in the contract, be furnished the same texts, lessons service, diplomas, and other services as are normally provided for regularly enrolled nonveteran students.

(d) All lessons be adequately serviced on an individual basis. Grouping of lessons into units or partial servicing does not meet this requirement.

(e) Each lesson must have a separate examination adequate in terms of lesson content.

(f) The training of persons under a Veterans Administration contract or the fact that the United States is utilizing the facilities of the institution for training veterans shall not be used in any way to advertise the institution. References in the advertising media or correspondence of the institution shall be limited to a list of courses under chapter 31, title 38, United States Code, and shall not be directed or pointed specifically to veterans.

(g) The rates, fees, and charges are not in excess of those charged nonveterans.

(h) That payment will be made on a lesson completed basis in areas for assignments sent in by trainees and serviced during a pay period as established by the contract.

(i) Payment will be made only once for each lesson even though it is necessary to service a lesson more than once.

§ 8–95.211 Information concerning correspondence courses.

(a) Specific questions on correspondence courses as to the content of courses, academic credit, and entrance requirements for courses included in Veterans Administration contracts may be directed to the institutions offering the courses.

(b) When a correspondence course is desired for which no contract exists, requests for inclusion of such course will be directed to the Director, Compensation, Pension and Education Service.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective upon publication in the FEDERAL REGISTER.

Approved: June 7, 1965.

By the direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 65-6082; Filed, June 10, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2191]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

PAYMENT REQUIRED; EXCEPTIONS; DEFAULT; REVISION OF CHARGES

The purpose of this amendment is to correct an error inadvertently made in the conversion to the new format of the regulations of the Bureau of Land Management, published in the FEDERAL REGISTER on March 31, 1964 (29 F.R. 4301). No substantive changes were intended to be made by the conversion.

No payments are required for rights of way for railroads and station grounds under the Act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934–939). Although the regulations in effect prior to March 31, 1964, made this clear, the present regulations, 43 CFR Part 2230, Subpart 2234, do not.

These rules relate to agency procedures and are not required by law to be published as proposed rule making. This Department nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the change made is editorial in nature. Accordingly, these rules shall become effective upon publication in the FEDERAL REGISTER.

Subparagraph (2) of § 2234.1–6(c) is amended to read as follows:

§ 2234.1–6 Payment required; exceptions; default; revision of charges.

* * * * *

(c) * * *

(2) Where the permit, right-of-way, or easement is granted under the regulations in §§ 2234.2–2, 2234.2–4, 2234.2–5, 2234.3–1, and 2234.3–2.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65-6073; Filed, June 10, 1965; 8:47 a.m.]

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular 2192]

PART 3540—PUBLIC LAW 585; MULTIPLE MINERAL DEVELOPMENT

Subpart 3545—Fissionable Source Materials

ELIMINATION OF RESERVATIONS

The Act of August 30, 1954 (68 Stat. 934), amended the Atomic Energy Act of April 1, 1946 (60 Stat. 755), which provided for the issuance of supplemental patents for fissionable materials reserved in patents under provisions of the 1946 Act. The Atomic Energy Act was subsequently amended by the Act of August 19, 1958 (72 Stat. 632; 42 U.S.C. 2098(b)). This amendment remised, released, and quitclaimed such reserved fissionable materials to persons entitled thereto, thus eliminating the necessity for supplemental patents.

Accordingly, §§ 3545.1 and 3545.2 of 43 CFR are hereby revoked effective on date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65-6074; Filed, June 10, 1965; 8:47 a.m.]

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular 2193]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Subpart 4115—Records and Administrative Procedures

LICENSE AND PERMIT PROCEDURES; REQUIREMENTS AND CONDITIONS

The purpose of this amendment is to correct errors in referencing between sections of the regulations. The errors are in § 4115.2-1(e)(3) and (9)(i).

This rule relates to agency procedure and is not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the change involved is editorial in nature. Accordingly, this rule shall become effective upon the date of publication in the FEDERAL REGISTER.

Paragraph (e) (3) and (9)(i) of § 4115.2-1 are corrected to read as follows:

§ 4115.2-1 License and permit procedures; requirements and conditions.

* * * * *

(e) *Terms and conditions.* * * *

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used, as determined by the District Manager, except as may be allowed under § 4111.4-3 (c) and (d).

* * * * *

(9) * * *

(i) To include in an application for a license or permit or renewal thereof, the entire base property qualifications for active, nonuse, or combination of active and nonuse, except where the base property qualifications are included in an outstanding current term permit, or where the allowable use has been reduced under §§ 4111.4-3 (a)(3) and (c), and 9239.3-2(e) of this chapter.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65-6075; Filed, June 10, 1965; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3662]

[Misc. 1788908]

NEW MEXICO

Modification of Grazing District No. 7

By virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, the following-described lands are hereby excluded from New Mexico Grazing District No. 7:

NEW MEXICO PRINCIPAL MERIDIAN

T. 31 N., R. 1 E.,
That portion W. of Tierra Amarilla Grant and N. of Jicarilla Indian Reservation.
T. 32 N., R. 1 E.,
That portion W. of Tierra Amarilla Grant.
T. 31 N., R. 1 W.,
Secs. 1 to 18, that portion N. of Jicarilla Indian Reservation.
T. 32 N., R. 1 W.
T. 17 N., R. 6 W.,
Secs. 1 to 7, inclusive;
Secs. 12 and 13.
T. 18 N., R. 6 W.,
Secs. 27 to 36, inclusive.
T. 17 N., R. 7 W.
T. 18 N., R. 7 W.,
Secs. 19 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 17 N., R. 8 W.
T. 18 N., R. 8 W.,
Secs. 13 to 36, inclusive.
T. 19 N., R. 8 W.,
Secs. 5 and 6.
T. 20 N., R. 8 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 21 N., R. 8 W.,
Secs. 2 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 17 N., R. 9 W.
T. 18 N., R. 9 W.
T. 19 N., R. 9 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 20 N., R. 9 W.
T. 21 N., R. 9 W.
Ts. 13 to 20 inclusive N., R. 10 W.
T. 21 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 30 to 36, inclusive.
Ts. 13 to 20 inclusive N., R. 11 W.
T. 21 N., R. 11 W.,
Secs. 5 to 7, inclusive;
Secs. 15, 16, and 18;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 22 N., R. 11 W.,
Secs. 5, S½;
Secs. 6, S½;
Secs. 7 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 13 N., R. 12 W.
T. 14 N., R. 12 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 19 to 36, inclusive.
Ts. 15 to 21 inclusive N., R. 12 W.
T. 22 N., R. 12 W.,
Sec. 1;
Sec. 7, W½;
Sec. 8, S½;
Sec. 9, S½;
Secs. 12 to 17, inclusive;
Sec. 18, SE¼SW¼, NE¼SE¼, and S½SE¼;
Secs. 19 to 36, inclusive.
T. 14 N., R. 13 W.,
Secs. 19 to 36, inclusive.
T. 15 N., R. 13 W.,
Secs. 1 to 29, inclusive;
Sec. 30, NE¼;
Sec. 32, NE¼.
Ts. 16 to 21 inclusive N., R. 13 W.
T. 22 N., R. 13 W.,
Secs. 1 to 12, inclusive;
Sec. 13, NW¼, N½SW¼, SW¼SW¼;
Secs. 14 to 23;
Sec. 24, NW¼, S½.
T. 22 N., R. 13 W.,
Secs. 25 to 36, inclusive.
T. 23 N., R. 13 W.,
Secs. 27 to 35, inclusive.
T. 14 N., R. 14 W.
Secs. 3 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 15 N., R. 14 W.,
Secs. 1 to 23, inclusive;
Sec. 24, N½, SW¼;
Sec. 25, NW¼;
Sec. 26, N½;
Secs. 27 to 33, inclusive.
T. 16 N., R. 14 W.
Secs. 4 to 9, inclusive;
T. 17 N., R. 14 W.,
That portion south of Navajo Reservation.
T. 15 N., R. 15 W.,
That portion exclusive of Fort Wingate Reservation.
T. 16 N., R. 15 W.
T. 17 N., R. 15 W.,
That portion south of Navajo Reservation.
T. 15 N., R. 16 W.,
That portion exclusive of Fort Wingate Reservation.
T. 16 N., R. 16 W.
T. 17 N., R. 16 W.,
That portion south of Navajo Reservation.
T. 13 N., R. 17 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 14 N., R. 17 W.,
That portion exclusive of Fort Wingate Reservation.
T. 15 N., R. 17 W.,
That portion exclusive of Fort Wingate Reservation.
T. 16 N., R. 17 W.
T. 17 N., R. 17 W.,
That portion south of Navajo Reservation.
T. 12 N., R. 18 W.,
Secs. 1 to 7, inclusive;
Sec. 8, N½;
Secs. 9 to 17, inclusive;
Sec. 18, NW¼;
Sec. 19;
Sec. 20, N½NE¼, NW¼;
Sec. 21;
Sec. 22, NE¼, N½NW¼;
Secs. 23 to 27, inclusive;
Secs. 29 to 33, inclusive;
Secs. 35 and 36.
Ts. 13 to 16 N., inclusive, R. 18 W.
T. 17 N., R. 18 W.,
That portion south of Navajo Reservation.

T. 11 N., R. 19 W.,
Secs. 1 to 18, inclusive;
Sec. 24.
T. 12 N., R. 19 W.,
Secs. 1 to 23, inclusive;
Sec. 24, S½;
Secs. 25 to 36, inclusive.
Ts. 13 to 16 inclusive N., R. 19 W.
T. 17 N., R. 19 W.,
That portion south of Navajo Reservation.
T. 11 N., R. 20 W.,
Secs. 1 to 18 inclusive.
Ts. 12 to 16 inclusive N., R. 20 W.
T. 17 N., R. 20 W.,
That portion south of Navajo Reservation.
T. 11 N., R. 21 W.,
That portion north of Zuni Reservation.
Ts. 12 to 16 inclusive N., R. 21 W.,
Fractional.
T. 17 N., R. 21 W.,
That portion south of Navajo Reservation.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 7, 1965.

[F.R. Doc. 65-6072; Filed, June 10, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 253—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

Interpretation of the Authorization; Use of Research and Development Funds

On page 5382 of the FEDERAL REGISTER of April 15, 1965, there was published a notice and text of proposed amendments to §§ 253.2(a) and 253.3(f) of Part 253 of Title 50, Code of Federal Regulations.

The purpose in amending § 253.2(a) was to extend the time during which a State can utilize funds which have previously been provided for other commercial fishery projects. The purpose of amending § 253.3(f) was to provide an exception to State contracting procedures in respect to contracts for research and development and professional services.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments.

One comment was received pertaining to the amendment of § 253.2(a). Consideration has been given to this comment and appropriate clarifying changes have been made in this section. These changes will permit a State to utilize funds during fiscal years 1965 and 1966 which have previously been provided for other commercial fisheries research and development because a State legislature did not meet for a significant and practicable period of time after appropriation of funds for section 4(a) of the Act. No comments were received on the proposed amendment to § 253.3(f).

§ 253.2 Interpretation of the authorization.

* * * * *

(a) Supplement, and, to the extent practicable, increase the amounts of State funds. The words "supplement, and, to the extent practicable, increase the amounts of State funds" mean that State funds, to be used for at least 25 percent of the cost of a project financed with research and development funds, will be additional funds provided for that project and will not represent funds diverted from some other commercial fishery project; except, that during fiscal years 1965 and 1966, the fact that a State legislature did not meet for a significant and practicable period of time after appropriation of funds for section 4(a) of the Act will be considered evidence that it is not feasible for the State Agency to furnish funds that have not been previously used for other commercial fishery projects.

* * * * *

§ 253.3 Use of research and development funds.

* * * * *

(f) *Contracts.* Supply, service, equipment, and construction contracts, other than research and development contracts and contracts for professional services, involving an expenditure of $2,500 or more entered into by a State Agency for the execution of approved project activities shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the payment of the Federal portion of the cost of the project shall be based on the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the project to accept a higher bid. Upon request, the State Agency shall certify and promptly furnish to the Secretary a copy of each contract executed and copies of all bids received concerning the contract. Contracts for research and development, and professional services may be negotiated, provided that the Secretary is satisfied that adequate steps are taken to insure economical and efficient services and the impartial selection of contractors.

* * * * *

This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JUNE 8, 1965.

[F.R. Doc. 65-6081; Filed, June 10, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 101, 103]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

Notice of Extension of Time to Submit Written Data, Views or Arguments

On April 17, 1965, there was published in the FEDERAL REGISTER (30 F.R. 5514) a notice of proposed amendments of Parts 101 and 103 of Subchapter E, Chapter I, Title 9, Code of Federal Regulations, adding definitions of "research investigator" and experimental products (Part 101) and revisions in Part 103 to require requests for authority to produce experimental products in licensed establishments be sent to the Director (§ 103.1); redesignates § 103.2 as § 103.3 and deletes former § 103.3; adds a new § 103.2 which sets forth safeguards for disposition of animals used to test experimental biological products; adds two new paragraphs to redesignated § 103.3 relative to permission for field trials, requiring data be presented to the division which indicate the experimental biological product will cause no unwholesome condition in the edible portions of animals used for evaluations and an agreement from the "research investigator" to furnish, at the Director's request, certain information concerning disposition of meat animals used for testing experimental biological products. Said notice provided that any person could submit written data, views, or arguments concerning the proposed amendments within 30 days after publication thereof in the FEDERAL REGISTER.

Because of interest which has been manifested near the end of this period, it appears desirable to afford additional time for submission of comments with respect thereto. Accordingly, any person may submit written data, views, and arguments regarding the proposed amendments with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, on or before July 12, 1965. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of June 1965.

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

[F.R. Doc. 65-6104; Filed, June 10, 1965; 8:49 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Notice of Proposed Rule Making

Reexamination of the safety and health regulations for longshoring established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941, 29 CFR Part 1504, formerly Part 9), and experience in their administration and enforcement have indicated a need for certain editorial and substantive revisions. Accordingly, notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that I propose to amend these regulations as hereinafter set forth.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that oral data, views and argument of interested persons will be received by a duly assigned Hearing Examiner on September 24, 1965, beginning at 10 a.m. in room 404, Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally shall file a notice of intention with the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C., 20210, not later than 10 days before the schedule date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any.

Interested persons may also submit written data, views and argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C., 20210, not later than 5 days before the above specified date.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views and argument from persons who have participated.

Upon completion of the oral proceedings the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified to the Secretary of Labor.

After careful consideration is given to all relevant matter presented in these proceedings, and to such other information as may be available, the Secretary will issue such regulations as he deems appropriate and publish them in the FEDERAL REGISTER.

The proposals are set forth below.

1. In order to define the extent of the applicability of new regulations proposed to be established by this document (i.e. §§ 1504.23(b)(2), 1504.35, 1504.43(f)(2), and 1504.106), § 1504.3(g) (formerly § 9.3(g)) would be amended and § 1504.3 (o) and (p) would be established to read as follows:

§ 1504.3 Definitions.

* * * * *

(g) For the purposes of §§ 1504.11, 1504.23, 1504.35, 1504.37, 1504.43(f)(2), and 1504.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, car-floats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

* * * * *

(o) For the purposes of §§ 1504.23(b)(2) and 1504.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1504.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Florida to Brownsville and Harlingen, Texas, and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

2. The paragraph in § 1504.6 (formerly § 9.6) which reads, "Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Ill. Subpart G, § 1504.69(d)" would be amended by the addition of the phrase "and Subpart I, § 1504.92(b)(3)".

3. Because it is necessary not only that railings be provided, but also that stanchions not be unshipped in use, as sometimes happens, § 1504.11(b) (formerly § 9.11(b)) would be amended to read as follows:

§ 1504.11 Gangways.

* * * * *

(b) Each side of such gangway, and the turntable, if used, shall have a railing with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

* * * * *

4. In order to provide practical solutions in cases where current requirements cannot be met, because of local river and bank conditions, § 1504.23(b) (formerly § 9.23(b)) would be amended by the addition of a proviso. Because of the danger of a person falling into the water between the ship and a barge while using a Jacob's ladder, § 1504.23(c) (formerly § 9.23(c)) would be amended. As amended these paragraphs would read as follows:

§ 1504.23 **Access to barges and river towboats.**

* * * * *

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1504.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used: *Provided, however*, That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft, or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 1504.22 shall be provided for each gang working alongside unless other safe means of access are provided. In cases where a Jacob's ladder is used between a barge and a larger vessel, a net shall be rigged at the lower end to prevent employees from falling between the vessels.

* * * * *

5. Section 1504.25 (formerly § 9.25) would be revised for the following purposes: (1) To allow consolidation of the ladder provisions of § 1504.25 and § 1504.33 (formerly § 9.33); (2) to extend paragraph (a) to cover a problem commonly found at the heads of ladders; (3) to extend the coverage of paragraph (b); (4) to extend paragraph (d) to situations where factors other than cargo, such as dunnage or sheathing cause less than safe clearance; (5) to extend paragraph (e) (formerly 9.33(c)) to cover access to and from the deck load itself as well as from deck load to winches and hatch ladders and to recognize that steps as well as ladders may be used, and that steps can be formed by the stowage of some cargoes (The rule would not apply in cases where passage over a deckload is not necessary and men can pass around it.); and (6) to regulate the use of ladders not specifically covered by the provisions of Part 1504, such as for grain fitting and log loading. As amended the section would read as follows:

§ 1504.25 **Ladders.**

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 1504.22 may be used.

(d) When four inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload, ladders or steps of adequate strength, and secured against shifting or slipping, shall be provided: *Provided, however*, That adequate steps formed by the cargo itself will be acceptable when the nature of the cargo and the type of stowage permits. This paragraph does not apply to the circumstances covered by § 1504.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this Part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

6. A new paragraph (e) would be added to § 1504.31 (formerly § 9.31) to read as follows:

§ 1504.31 **Hatch coverings.**

* * * * *

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

7. As stanchions or uprights are sometimes so loose as to afford no protection if a man leans against the stanchion or the line between stanchions, § 1504.35 (formerly § 9.35) is amended to read as follows:

§ 1504.35 **Open hatches.**

Open weather deck hatches around which longshoremen must work which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; provided, however, that the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

8. The last sentence of § 1504.36 (formerly § 9.36) would be deleted.

9. Paragraph (c) of § 1504.42 would be amended to read as follows:

§ 1504.42 **Beam and pontoon bridles.**

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(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires less than the number of legs provided, idle legs shall where possible be hung on the hook or ring.

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10. A new subparagraph (3) would be added to § 1504.43(a) (formerly § 9.43(a)). The reason for the change is that, as has been recognized for many years, the practice of removing the center boards from a section of a partially opened hatch for the purpose of providing winch driver visibility or for other reasons, and of stowing those boards which have been removed several tiers high atop those left in place is considered hazardous. They can easily be accidentally pushed or struck, causing them to fall into the hold. It would not apply to inland waterways barges, nor to pontoons or devices similar to pontoons.

Paragraph (f) of § 1504.43 would be amended because some inland waterway barges have rolling, sectional or telescopic covers of varying design which move fore and aft and stow atop each other. There may or may not be securing devices and, if not, or if they are not used, the opened covers have on occasion rolled shut during cargo operations under severe out-of-trim conditions, common in river barge operation. This has resulted in injuries to personnel.

Paragraph (g) of § 1504.43 would be amended to delete its limitation to "weather deck" hatches.

The amended portions of § 1504.43 would read as follows:

§ 1504.43 **Handling beams and covers.**

(a) * * *

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

* * * * *

(f)(1) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

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11. Section 1504.51 (formerly § 9.51) would be revised as follows to clarify its intent.

§ 1504.51 General requirements.

(a) The working load for ship's gear shall not exceed the safe working load for that gear as marked on the booms. In the absence of markings on the booms, the safe working load as specified in the cargo gear certification papers shall not be exceeded. Any limitations imposed by the certificating authority shall be adhered to.

(b) Any component of cargo handling gear, including tent gantlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

12. Subparagraph (1) of § 1504.52(d) (formerly § 9.52(d)) is revised in recognition of difficulties frequently encountered in endeavoring to attain the arbitrary specific figure of 80 percent of the strength of the rope as now required. It is also extended to provide protection to any employee required to work in the bight.

Subparagraph (2) of § 1504.52(d) is revised to clarify intent. There is no advantage gained if the heel block is at such height that it cannot strike a man.

Paragraph (f) of § 1504.52 would be revised. While large fall angles frequently cannot be avoided, the intent of this section is to reduce those which are unnecessarily high, thus reducing proportionately the stresses on the gear as a whole. The rule, as presently written, has no practical application or effect where, due to the height of the heels of the booms above the deck, or due to other factors with a similar effect, excessively high fall angles do not develop. There has been confusion on this point and in one case it became necessary to issue a variation on reasonable grounds. The amendment more clearly spells out the intent without any sacrifice of safety. The addition of the sentence on overhaul chains is considered desirable and necessary under the circumstances.

The amended portions of § 1504.52 would read as follows:

§ 1504.52 Specific requirements.

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(d) *Heel blocks.* (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

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(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

13. Subparagraph § 1504.53(b)(4) (formerly § 9.53(b)(4)) would be redesignated § 1504.53(a)(7) because the present provision in the "Steam Winch" section, should also cover the same problem when it is encountered with winches of other types. This change will have that effect.

14. Subparagraph (1) of § 1504.53(c) is revised as follows because electro-magnetic brakes are not the only type service brake used with electric winches. Difficulties with other types have been encountered.

§ 1504.53 Cargo winches.

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(c)(1) *Electrical winches.* When the electro-magnetic or other service brake is unable to hold the load, the winch shall not be used.

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15. A new subparagraph (2) would be added to § 1504.54(c) (formerly § 9.54). It is a common practice to lead preventers directly from the head of the boom to the horns of a cleat so as to provide an almost vertical lead. Since the preventer is then pulling from a direction not intended in the design of the cleat, it results in countless bent and broken horns on cleats and can lead to injury producing accidents, both when the cleat is used for securing and, as is sometimes the case, when it is used as a fairlead. Some cleats, however, are combination chocks and cleats and may be used this way if the bitter end of the line is first led through the chock section. This amendment is designed to reduce cleat failures and resulting injuries. It is restricted to preventers because the mechanical advantage of guy tackles considerably reduces the stresses involved.

A new subparagraph (3) would be added to § 1504.54(c). While the regulations presently say that preventers shall be properly secured, the ability of the preventer to carry out its proper function in relation to the guy is not covered. The intent of this amendment is to cover this point.

Paragraph (d) of § 1504.54 would be amended to eliminate occasional confusion when this requirement is taken to apply to structural parts of the vessel such as hatch coamings.

Paragraph (e) of § 1504.54 appears to be obsolete and is being deleted. However, booms regularly continue to be dropped, with resultant property damage, injuries, and vessel delays, as a result of adjusting their height by taking the topping lift to the gypsy head of a winch with insufficient turns and, in the case of bull wires, without securing to the gypsy head where this is possible. Accordingly, this paragraph would read as set forth below.

The amended portions of § 1504.54 would read as follows:

§ 1504.54 Rigging gear.

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(c) *Preventers.* When preventers are used, the following shall apply:

(1) Preventers shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(2) Unless the cleat is also a chock and the hauling part is led through the chock opening, the leads of preventers to cleats shall be such that the direction of the line pull of the preventer is as nearly as possible parallel to the plane of the surface on which the cleat is mounted.

(3) Preventers shall be so adjusted that insofar as practicable they share the load with the guy where cargo operations are being conducted by burtoning: *Provided, however,* That where guys are designed and intended for trimming purposes only and the preventer is intended to perform the function of the guy, the guy shall be left slack.

(d) Cargo falls under load shall not be permitted to chafe on any standing or other running rigging: *Provided, however,* That this shall not be construed to mean hatch coamings or other similar structural parts of the vessel.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom equipped with a single part topping lift, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the boom is equipped with a topping lift consisting of a multiple sheave purchase which is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

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16. A new § 1504.55 would be established to read as set forth below. The rule would not limit operations, encompass the swing radius of the booms, or require structural changes in the vessel.

§ 1504.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

17. The title of § 1504.62 (formerly § 9.62) would be amended and a new paragraph (b) would be added to that section to read as set forth below. The recent and continuing introduction and use of synthetic ropes dictates this addition to the regulations. This requirement parallels the new revision of the American Bureau of Shipping requirements for the cargo gear aboard vessels. It adopts the recommendation of the Hawser Subcommittee of the American Merchant Marine Institute, Inc., developed jointly with representatives of the principal rope manufacturing companies.

§ 1504.62 **Fiber rope and fiber rope slings.**

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(b) Where synthetic fiber ropes are substituted for manila ropes, the size of the synthetic rope is to be determined from the formula:

$$C=\sqrt{0.6C_s^2+0.4C_m^2}$$

where C = the required circumference of the synthetic rope in inches.

C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_m = the circumference of manila rope in inches which would be required by paragraph (a) of this section.

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

18. Paragraphs (a) and (b) of § 1504.69 (formerly § 9.69) would be deleted by reason of the establishment of a new § 1504.76. Paragraph (e) of § 1504.69 would be extended to cover all trimmers by the deletion of the word "grain". As amended, this paragraph would read as follows:

§ 1504.69 **Powered conveyors.**

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(e) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

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19. Paragraph (a) of § 1504.72 (formerly § 9.72) would be amended to clarify the means of determining whether tools are unsafe and to make the logical extension of this rule to all tools. Subparagraphs § 1504.72(b) (1) and (2) would be deleted by reason of the establishment of a new § 1504.76. As amended, § 1504.72(a) would read as follows:

§ 1504.72 **Tools.**

(a) *General.* Employers shall not issue or permit the use of visibly unsafe tools.

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20. Paragraph (g) of § 1504.73 (formerly § 9.73) would be revised. Despite the present language of this paragraph, which has been in effect for some time, 41 reported cases of injury to drivers from being struck by steering knobs during a one year period, justify the prohibition of such knobs altogether. The 41 cases occurred aboard ship only. The total, therefore, must be larger.

A new paragraph (k) would be added to this section because there have been cases of lift trucks and other vehicles rolling overboard and resulting in the drowning of drivers. The amendments to this section read as follows:

§ 1504.73 **Mechanically-powered vehicles used aboard vessels.**

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(g) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

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(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

21. A new paragraph (c) would be added to § 1504.74 in view of certain fatalities and serious injuries that have occurred. The rule would not limit normal operations or encompass the swing radius of the boom. This paragraph would read as follows:

§ 1504.74 **Mobile crawler or truck cranes temporarily placed aboard vessels for longshoring operations.**

* * * * *

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

22. A new § 1504.76 would be established as set forth below to consolidate provisions now in §§ 1504.69 (a) and (b) and 1504.72(b) (1) and (2). The section would apply to all except battery powered portable electric tools and equipment.

§ 1504.76 **Grounding.**

(a) Any portable equipment or tools powered by electric motors and used by employees, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

23. In order to cover bridles used with shore cranes as well as those used with ship's gear, § 1504.81(b) (formerly § 9.81(b)) would be amended to read as follows:

§ 1504.81 **Slinging.**

* * * * *

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidently disengaged from the cargo hook.

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24. The title of § 1504.83 (formerly § 9.83) would be changed from "Tiering and breaking down" to "Stowed cargo, tiering and breaking down."

25. A new paragraph (h) would be added to § 1504.91 (formerly § 9.91). Considerable comment has been received on the original proposal and control of nails is recognized to be a difficult problem. However, with a total of 619 injuries reported arising from nails in a one-year period, the necessity for better control is apparent. The comments have been carefully considered and it appears that the revised proposal is within reason.

A new paragraph (i) would be added to this section. The few comments received on the original proposal were well taken. The revision is considered to be as practical as possible. It should be noted that there is no requirement that longshoremen remove ice from high parts of the vessel.

§ 1504.91 **Housekeeping.**

* * * * *

(h) *Nails.* (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(i) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

26. A new subparagraph (5) would be added to § 1504.92(b) (formerly § 9.92 (b)) to read as set forth below. Since this requirement parallels the U.S. Coast Guard requirements applicable to inspected U.S. vessels, it provides uniform marine industry standards in the United States. It does not affect lights provided by the vessel which, if of another nationality, complies with her own national standards.

§ 1504.92 **Illumination.**

* * * * *

(b) * * *

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after January 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters' Laboratories, Incorporated, Marine Label.

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27. A new subparagraph (2) is added to § 1504.93(b) to read as set forth below. Some cargoes other than grain are fumigated and some problems have arisen as a result of their loading before they should have been. It is reasonable to expect that any future problems will involve cargo fumigated locally. Since fumigators issue a gas-free certificate or equivalent and it can be expected that it will be known that certain commodities are fumigated, this proposal should be workable.

§ 1504.93 **Ventilation and atmospheric conditions.**

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(b)(1) * * *

(2) Before commencing to load cargo other than grain, which is known to have been fumigated at the loading port, the employer shall ascertain from the fumigator that said cargo is free from hazardous concentrations of fumigants.

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28. The last sentence of § 1504.96(e) (formerly § 9.96(e)) would be revised as follows to resolve reported difficulties respecting the locations of liferings for floating units.

§ 1504.96 **First aid and lifesaving equipment.**

* * * * *

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch life ring, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

29. A new § 1504.98 would be established to read as set forth below. Aside from injuries, three fatalities occurring in the recent past in grain fitting operations indicate the necessity for coverage of this activity. It should be noted that the lifelines proposed in paragraph (a) are, in fact, already in daily use at least at one major fitting port, and have been for some time, with no difficulty. Also, the wording of (a) does not prohibit the alternative use of staging, tubular scaffolding, or similar equivalent devices, which are also currently in use in some fitting operations. In the case of paragraphs (d) and (e), there is again an alternative and nets or other equivalent protection may be used in lieu of lifelines.

§ 1504.98 **Grain fitting.**

(a) Unless adequate staging or equivalent protection is provided, employees required to work at a level above the ceiling, tank top or deck on longitudinal bulkheads or shifting boards in the square of a hatch shall be protected by adequate individual lifelines, properly secured, with a minimum of slack. The individual lifelines shall extend vertically downward from a taut line rigged fore and aft over the work and at or near the level of the weather deck hatch coaming.

(b)(1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

(2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

(c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing.

(d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Hatch coverings shall not be removed within feeders under construction until such construction is completed.

(e) When repair or other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

(f) Such other sections of this Part as are applicable to grain fitting operations shall be adhered to.

30. Subparagraph (1) of § 1504.102(a) (formerly 9.102(a)) would be amended to eliminate confusion as to the meaning of the present reference in this subparagraph to paragraph (c) and in recognition of the fact that Bureau of Mines approval does not, in fact, cover all of the necessary equipment. Bureau of Labor Standards representatives have listings of equipment which can be used in cases not covered by Bureau of Mines approval. This information is available from local offices upon request. Paragraph (b)(2) of that section would be amended for purposes of clarification. The amended portions of the section would read as follows:

§ 1504.102 **Respiratory protection.**

(a) *General.* (1) Except as provided in subparagraph (c)(3) of this section, respiratory protective equipment required by this Part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against the particular hazard, equipment shall be acceptable to the Bureau of Labor Standards. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

* * * * *

(b) * * *

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

* * * * *

31. A new § 1504.106 would be established to read as set forth below. There has been demand for life vests for boom men as covered by paragraph (a). Paragraph (b), relating to certain river barges, is based on a study of all drowning cases, which are almost entirely confined to the waters covered and operations found there. There is a definite need for life vests on those waters but little justification for extending the provisions to deep sea stevedoring operations or to coastal seaports except where ordinary river barge operations happen to occur in certain Gulf Coast ports.

§ 1504.106 **Protection against drowning.**

(a) Employees working on log booms shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(b) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(c) Buoyant vests and work vests shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being properly fastened.

(33 U.S.C. 941)

Signed at Washington, D.C., this 3d day of June 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-6060; Filed, June 10, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-WE-38]

FEDERAL AIRWAYS

Proposed Alterations

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors on portions of VOR Federal airways Nos. 4, 6, 187, 810 and 854.

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

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

The Federal Aviation Agency proposes to establish floors on the pertinent airway segments as hereinafter set forth.

1. V-4 from Burley, Idaho, 1,200 feet above the surface (AGL) to 40 nautical miles east of Malad City, Idaho, thence 13,500 feet m.s.l. to 85 nautical miles west of Rock Springs, Wyo., thence 1,200 feet AGL to 20 nautical miles east of Rock Springs thence 9,500 feet m.s.l. to 6 nautical miles west of Cherokee, Wyo., thence 1,200 feet AGL to 30 nautical miles southeast of Cherokee, thence 12,300 feet m.s.l. to 18 nautical miles northwest of Laramie, Wyo., thence 1,200 feet AGL to Laramie.

V-4 south alternate from Malad City, 1,200 feet AGL to 20 nautical miles east, thence 11,500 feet m.s.l. to 15 nautical miles northwest of Fort Bridger, Wyo., thence 1,200 feet AGL to Rock Springs. The control area between this south alternate segment and the main airway would be revoked.

2. V-6 from Fort Bridger, Wyo., 1,200 feet AGL to 20 nautical miles east of Rock Springs, thence 9,500 feet m.s.l. to 6 nautical miles west of Cherokee, thence 1,200 feet m.s.l. to 39 nautical miles east of Cherokee, thence 9,500 feet m.s.l. to 5 nautical miles west of Medicine Bow, Wyo., thence 1,200 feet AGL to Medicine Bow.

3. V-187 from Grand Junction, Colo., 1,200 feet AGL to 87 nautical miles north, thence 12,500 feet m.s.l. to 34 nautical miles south of Rock Springs, thence 1,200 feet AGL to 20 nautical miles northeast of Rock Springs, thence 9,500 feet m.s.l. to 39 nautical miles south of Riverton, Wyo., thence 1,200 AGL to Riverton.

4. V-810 and V-854 from Fort Bridger 1,200 feet AGL to 20 nautical miles east of Rock Springs, thence 9,500 feet m.s.l. to 6 nautical miles west of Cherokee, thence 1,200 feet AGL to 39 nautical miles east, thence 9,500 feet m.s.l. to 5 nautical miles west of Medicine Bow, thence 1,200 feet AGL to Medicine Bow.

The purpose of these changes is to apply Amendment 60-21/60-29 to the Federal airways listed above. Floors of 1,200 feet above sea level have been applied for aircraft climbing from airports to the minimum enroute altitudes and for aircraft descending to airports from the minimum enroute altitudes. They are also applied for aircraft making enroute climbs and descents to or from minimum enroute altitudes.

The control area between V-4 and V-4 south alternate from Malad City to Rock Springs is proposed for revocation since it is no longer required for air traffic control purposes.

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

Issued in Washington, D.C., on June 4, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6051; Filed, June 10, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-41]

TRANSITION AREAS AND FEDERAL AIRWAYS

Proposed Alterations, Revocations and Modifications

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would modify, in part, VOR Federal airways Nos. 105, 135, and 244, alter the Yerington, Nev., and Coaldale, Nev., transition areas, and that would revoke the Lida, Nev., and Beatty, Nev., transition areas that are designated for en route holding procedures.

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

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

If the above proposals are adopted, the airspace actions would be taken as hereinafter set forth.

The Agency is considering the establishment of floors on the following Federal airways:

1. V-105 From Beatty, Nev., 10,500 feet m.s.l. to Coaldale, Nev. From 45 nautical miles south of Reno, Nev., 1,200 feet above the surface (AGL) to Reno. All but 6 nautical miles of this segment is within the 1,200 feet AGL floor of the Reno transition area. The 1,200 feet AGL floor is extended to the Yerington Intersection for charting legibility.

2. V-135 From Beatty, 10,500 feet m.s.l. to 38 nautical miles southwest of Tonopah, Nev., thence 1,200 feet AGL to Tonopah. The 1,200 feet AGL floor on the Tonopah segment is required for climb from Tonopah Airport to the minimum en route altitude (MEA) at Lida Intersection.

3. V-244 From Coaldale, Nev., 1,200 feet AGL to 24 nautical miles east of Tonopah thence 11,500 feet m.s.l. to 38 nautical miles west of Milford, Utah, thence 1,200 feet AGL to 42 nautical miles east of Milford. The 1,200 feet AGL floor segments are required for climb to minimum en route altitudes and for an altitude change at Milford.

The Agency is also considering proposals regarding the following transition areas:

1. The Yerington, Nev., transition area would be altered by establishing an 11,-000-foot m.s.l. floor, and the portion lying within airways would be excluded.

2. The Coaldale, Nev., transition area would be altered to read as that airspace extending upward from 10,500 feet m.s.l. within 9 miles northeast and 6 miles southwest of the Coaldale 146° and 326° True radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC. This would result in raising the floor of the transition area and altering the configuration to conform with revised holding procedure requirements.

3. The Lida, Nev., and Beatty, Nev., transition areas designated for en route holding procedures would be revoked as they are no longer required for air traffic control requirements.

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

Issued in Washington, D.C., on June 4, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6052; Filed, June 10, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

COMMUNITY DEVELOPMENT FOUNDATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Community Development Foundation, Inc.,
Boston Post Road,
Norwalk, Conn., 06852.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

JUNE 7, 1965.

[F.R. Doc. 65-6087; Filed, June 10, 1965; 8:48 a.m.]

INTERNATIONAL EDUCATIONAL DEVELOPMENT, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

International Educational Development, Inc.,
211 East 87th Street,
New York, N.Y., 10028.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

JUNE 7, 1965.

[F.R. Doc. 65-6088; Filed, June 10, 1965; 8:49 a.m.]

WORLD NEIGHBORS, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

World Neighbors, Inc.,
5116 North Portland Avenue,
Oklahoma City, Okla., 73112.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

JUNE 7, 1965.

[F.R. Doc. 65-6089; Filed, June 10, 1965; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3-G]

VINYL ASBESTOS FLOOR TILE FROM CANADA

Antidumping Proceeding Notice

JUNE 7, 1965.

On May 17, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6 (b) of the Customs regulations indicating a possibility that 1/16 inch vinyl asbestos floor tile, 9 x 9 inch size, imported from Canada, manufactured by Building Products Limited, Montreal, Canada, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

The home consumption price for 1/16 inch vinyl asbestos floor tile, 9 x 9 inch size, is said to be Can. $0.138 per square foot, ex-mill, including sales tax, in truckload quantities, while the price for export to the United States is U.S. $0.10 per square foot, f.o.b. destination. The price list for home consumption does not show any lower price offers for this merchandise.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d)(1)(ii), (2) and (3) of the Customs regulations.

The information was submitted by Asphalt and Vinyl Asbestos Tile Institute, New York, New York.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs regulations (19 CFR 14.6(d)(1)(i)).

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

[F.R. Doc. 65-6085; Filed, June 10, 1965; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE MEDICAL MATERIEL BOARD

Organization and Functions

The Secretary of Defense approved the following on May 26, 1965:

References: (a) DoD Dir. 5154.18, subject as above, dated April 18, 1962 (hereby canceled); (b) DSA Regulation 4140.7, dated Feb. 21, 1963.

I. General:

A. Pursuant to the authorities vested in the Secretary of Defense, a Defense Medical Materiel Board is hereby established as a joint activity of the Department of Defense, subject to the direction, authority and control of the Secretary of Defense, and under professional policy guidance of the Assistant Secretary of Defense (Manpower).

B. The Board shall provide joint coordination, advice, and assistance on the professional-technical aspects of medical materiel and in the field of military medical supply.

II. Applicability and scope:

The provisions of this Directive apply to the military departments and other Department of Defense agencies involved in any phase of the Medical Materiel Program (including the Military Assistance and Emergency Disaster Aid Programs, both domestic and foreign).

III. Supersession:

Reference (a) is hereby superseded and canceled.

IV. Organization:

A. *Board*. The Board membership shall consist of the three Surgeons General of the military departments, one of whom shall be appointed Chairman. The Surgeons General may designate alternates, who shall be medical corps officers of General or Flag rank. The Assistant Secretary of Defense (Manpower) and the Director, Defense Supply Agency, shall each designate a representative, who shall participate as observers to the Board.

1. The Chairman shall be selected by the Surgeons General and shall be rotated every 2 years among the military departments without regard to seniority.

2. Each Board member will be individually and directly responsible to his military department for the presentation of its views and requirements for subjects considered by the Board.

B. *Staff*. 1. The staff shall be composed of at least one medical corps officer; one dental officer; and such other military and civilian personnel as the Board requires to support and accomplish its mission. Military personnel will be provided by the military departments on a mutually-agreed basis.

2. The Board shall designate the medical officer as Staff Director, who shall perform the functions outlined in subsection V.B. The position of Staff Director shall rotate every 4 years without regard to seniority.

3. For purposes of administration, all personnel, while assigned to the Staff, will report to the Staff Director.

V. Functions:

A. The Board shall be responsible for operational guidance, direction, review, and approval of all actions taken by its Staff Director. In addition, it shall:

1. Operate as a single point of contact for and maintain liaison between the Defense Supply Agency and other Government agencies in all professional-technical matters involving medical materiel;

2. Provide advice to the Defense Supply Agency for carrying out the professional and technical medical materiel control functions assigned to that Agency;

3. Be responsible for item type classification of all new medical materiel items for entry into the Department of Defense Supply System;

4. Be responsible for the retention in or deletion of medical materiel items from the Defense Supply System;

5. Be responsible for evaluating and approving or disapproving requests for waivers and deviations from essential characteristics established by the Board. No item which deviates from established essential characteristics shall be procured without prior approval of the Board;

6. Determine those items for which sources of supply must be limited to selected producers to meet service professional requirements and designate the acceptable sources of supply;

7. Completely monitor all Defense Personnel Support Center actions pertaining to Type I complaints and review Type II and III complaints (as defined by Ref. (b)) on the basis of the information copies, unless additional facts are required.

B. The Staff Director shall, under the direction and control of the Board, be responsible for the performance of the following functions:

1. Evaluate all new or improved items of medical materiel proposed as standard items for entry into the Department of Defense Supply System and obtain approval of the military departments for the item type classification of such items;

2. Evaluate standard medical materiel items for retention in or deletion from the Department of Defense Supply System;

3. Prepare essential characteristics (those mandatory performance qualities required of an item to accomplish a specific professional, therapeutic, military, or technical purpose) for each item of medical materiel entering the Department of Defense Supply System;

4. Develop and provide the Defense Personnel Support Center with lists of suitable substitute items of medical materiel;

5. Submit completed action documentation (Item Review Reports) for each item of medical materiel to the Defense Personnel Support Center, delineating addition to, deletion from, or other item type classifications action pertinent to the Defense Supply System;

6. Review specifications covering medical materiel to determine conformity with essential characteristics established by the Board;

7. Coordinate the actions designated in 1, 2, 3, and 4, above, with the Offices of the Surgeons General of the military departments.

VI. Operation:

A. The Board may establish such work groups as deemed necessary to accomplish its mission in accordance with DoD Directives numbered 5105.18 and 5030.13.

B. The Board will meet on call of its Chairman.

C. The rules of procedure and the methods of the Board's operation, except those set forth in this Directive, will be established by the Board with the approval of the Assistant Secretary of Defense (Manpower) or his designee.

D. The Secretary of the Navy shall provide administrative support for the internal administration and operation of the Board. The Secretary of the Navy may reassign these responsibilities within the organizational structure of the Navy.

1. The term "administrative support" as used in this Directive, includes civilian personnel requirements, civilian personnel and security administration, inspections, space, facilities, supplies, and other administrative provisions and services.

2. The Department of the Navy is responsible for programming, budgeting and financing all costs of operations of the Board and its staff, except the pay, allowances and PCS travel of military personnel Board members and assigned staff. These latter costs are the responsibility of the military department providing the military personnel.

E. Any matter being considered by the Board which cannot be promptly resolved will be referred by the Chairman of the Board directly to the Assistant Secretary of Defense (Manpower) or his designee.

F. Direct communications between the Board; the Defense Supply Agency; the Professional Medical Advisor, Defense Personnel Support Center; and the Director for Medical Materiel, Defense Personnel Support Center is authorized in all professional-technical matters.

G. The Assistant Secretary of Defense (Manpower) may assign such additional duties and responsibilities to the Board as he deems appropriate.

VII. Effective date and implementation:

This Directive is effective immediately. The military departments and other Department of Defense component agencies shall prepare revised implementing instructions and submit them to the Assistant Secretary of Defense (Manpower) within sixty (60) days.

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

[F.R. Doc. 65-6070; Filed, June 10, 1965; 8:47 a.m.]

PROCESSING OF CLAIMS REGARDING UNITED STATES

Single Service Assignment of Responsibility

The Deputy Secretary of Defense approved the following:

Refs.: (a) Foreign Claims Act (10 U.S.C. 2734); (b) Military Claims Act (10 U.S.C. 2733); (c) 10 U.S.C. 2734a, 2734b, Pro-rata costsharing of claims pursuant to international agreement; (d) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements; (e) DoD Directive 5515.8, subject as above, June 13, 1962 (hereby cancelled); (f) Act of Sept. 25, 1962 (42 U.S.C. 2651–2653), Claims for Reimbursement for Medical Care furnished by the United States; (g) Act of Oct. 9, 1962 (76 Stat. 767, 10 U.S.C. 2736), Claims not cognizable under any other provision of law; (h) Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71), Claims and demands by the Government of the United States.

I. Purpose: This Directive assigns Single Service responsibility for the processing of claims against and in favor of the United States.

II. Cancellation: Reference (e) is hereby superseded and cancelled.

III. Scope: This Directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of References (a), (b), (c), (d), (f), (g), and (h).

IV. Assignment of Responsibility:

A. Responsibility for the processing of all claims in favor of the United States which are cognizable under References (d), (f), or (h), or against the United States which are cognizable under References (a), (b), (c), (d), or (g), which arise in the following countries is assigned to the Military Departments designated below:

1. *Department of the Army.* Belgium, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, Republic of Vietnam, and as the Receiving State Office in the United States under References (c) and (d).

2. *Department of the Navy.* Australia, Iceland, Italy, and Portugal.

3. *Department of the Air Force.* Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of section IV.A., the Department of the Navy is hereby authorized to settle non-scope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concurrence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in Reference (d) regarding the processing of nonscope claims by receiving and sending State authorities.

C. On an interim basis prior to receiving confirmation and approval from the appropriate office in the Office of the Secretary of Defense, the Unified Commander may, when necessary to implement contingency plans, assign single service responsibility for processing of claims in countries where such assignment has not already been made under this Directive.

V. Effective date and implementation: This Directive is effective immediately. Two copies of revised implementing instructions shall be forwarded to the General Counsel, DoD, within thirty (30) days.

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

[F.R. Doc. 65-6071; Filed, June 10, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 698, Amdt. 7]

DIRECTOR, GREAT BASIN FIRE CENTER, ET AL.

Delegation of Authority Regarding Contracts and Leases

MAY 28, 1965.

A new subparagraph (6) is added to sec. 1(b), as follows:

SECTION 1. *Authority of certain offices to enter into contracts and leases.* * * *

(b) * * *

(6) The Director of Great Basin Fire Center is authorized to issue orders, regardless of amount, for equipment, supplies and services, obtainable from General Services Administration Stores Stock, Federal Supply Schedules, and other established sources of supply. He is also authorized to make open market purchases for supplies, equipment and services, not exceeding $2,500 per transaction ($2,000 if for construction) pursuant to sec. 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended, provided that the supplies and services are not available from established sources. He is further authorized to exceed $2,500 per transaction for procurement of aircraft and equipment rentals for purposes of emergency fire suppression.

Section 2(a) is amended to read as follows:

SEC. 2. *Redelegation of authority.* (a) The Field Administrative Officers, the Chief, Division of Administrative Services, the State Directors, the Directors, Job Corps Conservation Centers and the Director, Great Basin Fire Center may, in writing, redelegate to any qualified employees under their jurisdiction the authority delegated to them under sec. 1 above. Each redelegation, except redelegations for procurement by means of S.F. 44 Purchase Order-Invoice-voucher, shall be published in the FEDERAL REGISTER.

* * * * *

L. T. HOFFMAN,
Acting Associate Director.

[F.R. Doc. 65-6076; Filed, June 10, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA AND WASHINGTON

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska and Washington natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Dundy.	Pierce.
Frontier.	Red Willow.
Hayes.	Wheeler.
Hitchcock.	

WASHINGTON

Chelan.	Okanogan.
Douglas.	

It has also been determined that in the hereinafter-named counties in the State of Nebraska the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska:	*Previous designation*
Antelope	29 F.R. 14993
Banner	29 F.R. 11934
Boone	28 F.R. 9402
Box Butte	29 F.R. 11934
Chase	29 F.R. 11934
Dawes	29 F.R. 11934
Greeley	28 F.R. 9402
Keith	29 F.R. 11934
Morrill	29 F.R. 11934
Perkins	29 F.R. 11934
Scotts Bluff	29 F.R. 11934
Sheridan	29 F.R. 11934
Sioux	29 F.R. 11934

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Washington counties after December 31, 1966, or in the above-named Nebraska counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6105; Filed, June 10, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives Antioxidants and/or Stabilizers for Polymers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1684) has been filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich., 48641, proposing an amendment to § 121.2566(b) of the food additive regulations by inserting alphabetically therein a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
4,4'-Cyclohexylidenebis(2-cyclohexylphenol).	For use only at levels not to exceed 0.1 percent by weight of polymers complying with §§ 121.2501, 121.2506, and 121.2510; provided, that the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV-B, VI, VII-B, and VIII.

* * * * *

Dated: June 4, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6078; Filed, June 10, 1965; 8:47 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1725) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn., 37662, proposing the issuance of a regulation to provide for the safe use of the polyhydric alcohols 2,2-dimethyl-1,3-propanediol and 2,2,4-trimethyl-1,3-pentanediol in the production of cross-linked polyester resins employed as articles or components of articles intended for repeated use in contact with food.

Dated: June 4, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6079; Filed, June 10, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16037, 16038; FCC 65M-733]

CAMPBELL AND SHEFTALL AND FORT CAMPBELL BROADCASTING CO.

Order Scheduling Hearing

In re applications of Gladys W. Campbell, John Parry Sheftall, and John H. Bailey doing business as Campbell and Sheftall, Clarksville, Tenn., Docket No. 16037, File No. BPH-3770; J. Shelby McCallum, Gary H. Latham, and E. T. Breathitt, Jr., doing business as Fort Campbell Broadcasting Co., Fort Campbell, Ky., Docket No. 16038, File No. BPH-4209; for construction permits.

It is ordered, This 7th day of June 1965, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on September 9, 1965; and that a prehearing conference shall be convened at 9 a.m., on July 9, 1965; *and, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6094; Filed June 10, 1965; 8:49 a.m.]

[Docket Nos. 16031, 16032]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; requests: 104.9mc, No. 285; 3kw; 58.1 ft.; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; requests: 104.9mc, No. 285; 2.96kw; 212.37 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on June 7, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct, own, and operate the proposed stations; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference with each other; and

It further appearing, that, the population, as well as the area, to be served by the applicants' proposals differ substantially in number and size, and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours, together with the availability of other FM services (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should be afforded either applicant; and

It further appearing, that it has not been determined whether the antenna proposed by Capital News, Inc., will constitute a menace to air navigation; and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Capital News, Inc., would constitute a menace to air navigation.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6095; Filed, June 10, 1965; 8:49 a.m.]

[Docket No. 15888; FCC 65M-730]

SELMA TELEVISION, INC. (WSLA-TV)

Order Scheduling Prehearing Conference

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit.

Pursuant to the agreements reached at the informal conference held herein on June 4, 1965;

It is ordered, This 4th day of June 1965 on the Hearing Examiner's own motion that a further prehearing conference shall be held on September 8, 1965 commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6096; Filed, June 10, 1965; 8:49 a.m.]

[Docket No. 16036; FCC 65M-732]

STORZ BROADCASTING CO. (WTIX)

Order Scheduling Hearing

In re application of Storz Broadcasting Co. (WTIX), New Orleans, La., Docket No. 16036, File No. BP-14135; for construction permit.

It is ordered, This 7th day of June 1965, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 29, 1965; and that a prehearing conference shall be convened at 9 a.m. on July 8, 1965; *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6097; Filed, June 10, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-18]

PORTS IN PUERTO RICO TO U.S. ATLANTIC PORTS

Balsa Wood Games or Toys and Glue

It appearing, that there have been filed with the Federal Maritime Commission by TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) and South Atlantic & Caribbean Line, Inc. (SACAL) tariff schedules naming a reduced trailerload rate of 27 cents per cubic foot, minimum 1,700 cubic feet, on Balsa Wood Games or Toys and Glue applying from ports in Puerto Rico to U.S. Atlantic ports to become effective June 2 and June 17, 1965, respectively, designated as follows:

TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee), Freight Tariff No. 4, FMC-F No. 5, second revised page 113 (Item 2065).
South Atlantic & Caribbean Line, Inc., Northbound Freight Tariff No. 6, FMC-F No. 6, fourth revised page 9.

It further appearing, that Sea-Land Service, Inc. (Sea-Land), which currently has in effect a trailerload rate on the subject commodities of 30½ cents per cubic foot subject to a minimum of 1,700 cubic feet, plus insurance and 1 cent per cubic foot arrimo, protested the above rates on the grounds that they already are lower than necessary to attract cargo and if they are permitted to become effective, the result will be a rate war and, ultimately, the destruction of the "already depressed" northbound rate levels;

It further appearing, that upon consideration of the said schedules, and the protest thereto, there is reason to believe that the said rates, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that, the Commission is of the opinion that the new tariff provisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the effective date of the said provisions should be suspended pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed reduction in rate and minimum weight contained in the said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That the rate of 27 cents per cubic foot, and the minimum weight of 1,700 cubic feet published on the aforementioned pages be and they are hereby suspended and that the use thereof be deferred to and including October 1, 1965, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by TMT and SACAL a consecutively numbered supplement to each of the aforesaid tariffs, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid matter is suspended and may not be used until the 2d day of October 1965, unless otherwise authorized by the Commission; and that the tariff matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of all rates on the subject commodities currently in effect, or as may be amended during this investigation, published by TMT, SACAL, and Sea-Land;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee), South Atlantic Caribbean Line, Inc., and (II) Sea-Land Service, Inc. be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents; (IV) the said respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73) with copy to respondents.

By the Commission, June 1, 1965.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6098; Filed, June 10, 1965; 8:49 a.m.]

[Docket No. 65-19]

EAST COAST PORTS OF SOUTH THAILAND AND U.S. ATLANTIC AND GULF PORTS

Transshipment and Through Billing Arrangement; Order of Investigation

Agreement No. 9311 has been filed for approval under section 15 of the Shipping Act, 1916. The agreement provides for an exclusive arrangement for the carriage of through cargo (rubber) from ports on the East Coast of South Thailand to ports on the Atlantic and Gulf Coasts of the United States with transshipment at the port of Singapore. The parties to this agreement are Straits Steamship Company, Ltd., N. V. Koninklijke Patketvaart-Maatschappij, and Heap Eng Moh Steamship Company, Ltd. (First Carriers) and the members of the New York Lines Agency (Second Carriers).

Agreement No. 9311, between First Carriers and Second Carriers, presents to us the necessity of determining, not only whether the agreement should be approved, disapproved, or modified under section 15, but also the question of whether the First Carriers, who carry cargo destined for the United States but do not actually call at U.S. ports, are common carriers by water in foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916. In addition, the Commission must decide whether the arrangement between the Second Carriers, who are common carriers in the foreign commerce of the United States, to enter into Agreement No. 9311 with First Carriers is an agreement subject to section 15.

The Commission has decided that, in order to determine whether Agreement No. 9311 is subject to section 15, whether the arrangement between the Second Carriers to enter into Agreement No. 9311 is subject to section 15, and whether these agreements should be approved, disapproved, or modified, it will institute an investigation so that it can make these determinations upon an evidentiary record.

Therefore, it is ordered, That pursuant to section 15 and section 22, the Commission hereby institutes an investigation to determine:

1. Whether First Carriers, parties to Agreement No. 9311, are common carriers by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916;

2. Whether Agreement No. 9311 is subject to the requirements of section 15 of the Shipping Act, 1916;

3. Whether Agreement No. 9311, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

4. Whether the arrangement between Second Carriers to enter into Agreement

No. 9311 is an agreement subject to the requirements of section 15;

5. Whether the arrangement between Second Carriers to enter into Agreement No. 9311, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

6. Whether Agreement No. 9311 represents the complete understanding between the parties; and

7. Whether Agreement No. 9311 or the arrangement between the Second Carriers to enter into Agreement No. 9311 have been carried out in whole or part without approval of the Commission as required by section 15.

That the parties to Agreement No. 9311, listed in Appendix A below, are hereby named respondents. Persons other than respondents who desire to become a party to this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 25, 1965.

That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined hereafter and announced by the Chief Examiner.

That this order shall be served upon all respondents and shall be published in the FEDERAL REGISTER. All future notices issued in this proceeding, including notice of time and place of hearing and prehearing conference, shall be mailed directly to parties of record.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

FIRST CARRIERS

Straits Steamship Co., Ltd., c/o United States Embassy, Bangkok, Thailand, via U.S. Department of State, Washington, D.C.

N.V. Koninklijke Paketvaart—Maatschappij, c/o United States Embassy, Bangkok, Thailand, via U.S. Department of State, Washington, D.C.

Heap Eng Moh Steamship Co., Ltd., c/o United States Embassy, Bangkok, Thailand, via U.S. Department of State, Washington, D.C.

SECOND CARRIERS AS MEMBERS OF NEW YORK LINES AGENCY

N.V. Nedlloyd Lijnen, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y., 10004.

A.P. Moller-Maersk Line, Maersk Line, 67 Broad Street, New York, N.Y., 10004.

American President Lines, Ltd., 601 California Street, San Francisco, Calif., 94108.

Barber-Fern Line, Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.

Isthmian Line, States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.

Compagnie Maritime des Chargeurs Reunis, Black Diamond SS Corp., General Agents, 2 Broadway, New York, N.Y., 10004.

Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La., 70112.

Hoegh Lines, Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.

Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y., 10004.

Kawasaki Kisen Kaisha, Ltd., Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.

Blue Funnel Line, Funch, Edye & Co., Inc., 25 Broadway, New York, N.Y., 10004.

Henry Noon & Co., Secretaries, New York Lines Agency, Finlayson House (Fifth Floor), 4 Raffles Quay, Singapore, Malaysia.

[F.R. Doc. 65-6099; Filed, June 10, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 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. 39816—*Sulphuric acid to Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A4700), for interested rail carriers. Rates on sulphuric acid in single tank carloads or multiple tank-car shipments of not less than 5 cars, from Baton Rouge and North Baton Rouge, La., to Montgomery, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 123 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 39817—*Steel and wrought iron pipe from Chattanooga, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B-8734), for interested rail carriers. Rates on steel and wrought iron pipe and related articles, in carloads, from Chattanooga, Tenn., to points in southwestern territory.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff I.C.C. 4620.

FSA No. 39818—*Anhydrous ammonia to Sutton, Fla.* Filed by Southwestern Freight Bureau, agent (No. B-8739), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from Lake Charles and West Lake Charles, La., also Houston, Tex., to Sutton, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 131 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6091; Filed, June 10, 1965; 8:49 a.m.]

TARIFF COMMISSION

UNMANUFACTURED LEAD AND ZINC

Report to the President Regarding Termination of Import Quotas

The Tariff Commission today reported to the President that termination of the quotas on unmanufactured lead and zinc "would not likely have a detrimental effect on domestic lead and zinc producers unless world demand for these metals should subside substantially in relation to world supplies."

The above statement was included in a Commission report of an investigation which was requested by the President to assist him in determining whether or not to relax or terminate the absolute import quotas imposed on unmanufactured lead and zinc in 1958 under the escape-clause procedure.

In its report the Commission pointed out that "under present conditions, with overall free-world consumption exceeding output, it is the limited availability of foreign supplies, rather than quota restrictions, that discourages U.S. imports." The Commission also noted that "most domestic producers probably will be in a stronger position to meet future import competition without import quota restrictions than in the past, as their competitive position has improved substantially in the past 6 years."

The Commission's investigation (No. TEA-IA-3) was conducted under the provisions of section 351(d)(2) of the Trade Expansion Act of 1962. That act provides that increases in import restrictions imposed under the escape-clause procedure may be reduced or terminated by the President when he determines, after taking into account advice received from the Tariff Commission under section 351(d)(2) and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

Certain portions of the report to the President may not be made public since they contain information that would reveal the operations of individual concerns. The Commission, therefore, is releasing the report to the public with those portions omitted.

Copies of the public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-6092; Filed, June 10, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2602, etc.]

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 2, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2602, C 5-13-65, 5-19-65 [1]	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	Natural Gas Pipeline Co. of America, North Pasture Field, San Patricio County, Tex.	14.0	14.65
G-3277, E 5-21-65	James D. Heldt (Operator), et al. (successor to Seneca Development Co. (Operator), et al.), 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	13.05067	14.7
G-6670, C 4-29-65 [2]	Sun Oil Co. (Gulf Coast Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Transcontinental Gas Pipe Line Corp., North Markham-North Bay City Field, Matagorda County, Tex.	[3] 15.5	14.65
G-13212, C 5-19-65 [4]	Hanley Co. (Operator), et al., 400 Davis Bldg., Dallas, Tex., 75202.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	18.2430	14.65
G-14752, E 5-19-65	Rodman & Late (successor to Rodman, Late, and Noel), c/o Thomas E. Rodman, attorney, Post Office Box 3826, Odessa, Tex.	El Paso Natural Gas Co., Spraberry Area, Reagan County, Tex.	[5] 17.0	14.65
G-16218, D 5-26-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Como Area, Beaver County, Okla.	(6)	--------
G-19534, E 3-10-65	Brooks Gas Corp. (successor to Mertzon Corp.), c/o Albert J. Feigen, attorney, 1101 17th St. NW., Washington, D.C., 20036.	Northern Natural Gas Co., Mertzon and Brooks Fields, Irion County, Tex.	[7] 13.25	14.65
G-19542 [7a], C 5-27-65	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla., 73118.	Michigan Wisconsin Pipe Line Co., Benbrook Unit, Laverne Field, Harper County, Okla.	17.0	14.65
G-19542 [7a], C 5-27-65	do	Michigan Wisconsin Pipe Line Co., Campbell Unit, Laverne Field, Harper County, Okla.	17.0	14.65
G-19841, E 5-17-65	Oil & Gas Property Management, Inc. (Operator), et al. (successor to Nafco Oil and Gas, Inc., et al.), c/o W. A. MacNaughton, attorney, 614 Southwest Tower, Houston, Tex., 77002.	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	17.5	14.65
G-20294, E 5-24-65	Braden-Deem, Inc. (successor to Braden Drilling, Inc.), 500 Farmers and Bankers Bldg., Wichita, Kans., 67202.	Panhandle Eastern Pipe Line Co., acreage in Pratt County, Tex.	15.0	14.65
CI60-439, E 5-24-65	Braden-Deem, Inc. (successor to Braden Drilling, Inc.).	do	15.0	14.65
CI61-516, C 5-20-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	[8] 21.545	14.65
CI61-938, E 5-24-65	Braden-Deem, Inc. (successor to Braden Drilling, Inc.).	Panhandle Eastern Pipe Line Co., acreage in Pratt County, Tex.	15.0	14.65
CI61-1068, E 5-24-65	do	do	15.0	14.65
CI61-1069, E 5-24-65	do	do	15.0	14.65
CI61-1070, E 5-24-65	do	do	15.0	14.65
CI61-1611, E 5-24-65	do	do	15.0	14.65
CI62-534, E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.), Post Office Box 2239, Tulsa, Okla., 74101.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI62-673, C 5-20-65	Skylark Gas Co., 219 East Main St., St. Clairsville, Ohio.	Equitable Gas Co., acreage in Lewis, Upshur, and Harrison Counties, W. Va.	25.0	15.325
CI62-1042, E 3-18-65	W. B. Wright, et al., d.b.a. Edna Moore, et al., No. 1 (successor to John R. Robinson, et al., d.b.a. Edna Moore, et al., No. 1), c/o A. R. Jackson, agent, 224 Third Ave., South Charleston, W. Va.	Equitable Gas Co., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI63-20, C 5-19-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	15.0	14.65
CI63-149, A 12-17-62	J. Glenn, et al., Box 1104, Tulsa, Okla.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	[9] 9.0	14.65
CI63-1407, C 5-21-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Kansas-Nebraska Natural Gas Co., Inc., various fields, Hamilton County, Kans.	12.5	14.65
CI64-286, C 5-21-65	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	Kansas-Nebraska Natural Gas Co., Inc., Syracuse Field, Hamilton County, Kans.	12.5	14.65
CI65-612, C 5-19-65	Don Earney, Box 57, Wheeler, Tex.	El Paso Natural Gas Co., Panhandle Field, Wheeler County, Tex.	13.0	14.65
CI65-1222, A 5-20-65	Ronald E. Boyles, et al., c/o Paul F. Starr, agent, 216 Market St., Spencer, W. Va.	Harry C. Boggs, Spencer District, Roane County, W. Va.	[10] 18.0	15.325
CI65-1223, B 5-20-65	Fez Gas Co., 1012 FHN Bank Bldg., Huntington, W. Va., 25701.	United Fuel Gas Co., Union District, Lincoln County, W. Va.	(11)	--------
CI65-1224, A 5-21-65	The British-American Oil Producing Co., Post Office Box 749, Dallas, Tex., 75221.	Montana Dakota Utilities Co., Wind River Basin, Fremont County, Wyo.	15.384	15.025
CI65-1225, A 5-21-65	George J. Despot, Operator, 1211 Commercial National Bank Bldg., Shreveport, La., 71101.	Bluebonnet Gas Corp., Veltin Field, St. Landry Parish, La.	16.25	15.025
CI65-1226, A 5-21-65	Grant Mullenax (Operator), et al., 401 St. Claire Dr., Owensboro, Ky., 42301.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	15.0	15.025
CI65-1227, A 5-21-65	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	Tennessee Gas Transmission Co., Second Bayou Field, Cameron Parish, La.	20.0	15.025

Filing Code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1228 A 5-24-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	American Louisiana Pipe Line Co., Kings Bayou Field, Cameron Parish, La.	19.0	15.025
CI65-1229 A 5-21-65	Roy Furr (Operator), et al., Post Office Box 1650, Lubbock, Tex., 79480.	Panhandle Eastern Pipe Line Co., Acreage in Hansford County, Tex.	17.0	14.65
CI65-1230 B 5-24-65	George Hammonds, Fidelity Union Life Bldg., Dallas, Tex.	Southern Natural Gas Co., High Island Area, Cameron Parish, La.	([12])	--------
CI65-1231 A 5-24-65	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	Panhandle Eastern Pipe Line Co., Northeast Sampsel Field, Cimarron, County, Okla.	17.0	14.65
CI65-1232 B 5-24-65	Winwell Exploration Co., 1011 Commercial National Bank Bldg., Shreveport, La.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Depleted	--------
CI65-1233 F 5-24-65	John W. O'Boyle (successor to Seneca Development Co., et al.), 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Cotton Valley Field, Webster Parish, La.	13.003	15.025
CI65-1234 F 5-21-65	James D. Heldt (successor to Seneca Development Co., et al), 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Cotton Valley Field, Webster Parish, La.	13.003	15.025
CI65-1235 A 5-24-65	Edwin G. Bradley, 825 Union Center Bldg., Wichita, Kans., 67202.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	13.0	14.65
CI65-1236 A 5-26-65	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Cities Service Gas Co., Bishop Area, Ellis County, Okla.	17.0	14.65
CI65-1237 B 5-26-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Ben Bolt Gathering Co., Palito Blanco Field, Jim Wells County, Tex.	Depleted	--------
CI65-1238 B 5-19-65	Claude C. Cottrille, et al., d.b.a. Alphenia Oil and Gas Co., Pennsboro, W. Va.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	([13])	--------

[1] Contract summary to application submitted.
[2] Filed in compliance with Commission order issued Dec. 1, 1964, approving offer of settlement filed in Docket Nos. G-8288, et al.
[3] Settlement rate approved by Commission order issued Oct. 1, 1964, in Docket Nos. G-8288, et al.
[4] Adds acreage acquired from Humble Oil & Refining Co., Docket No. G-5145.
[5] Rate in effect subject to refund in Docket No. G-19952; effective June 21, 1960.
[6] Deletes from basic contract certain acreage from which no sales or deliveries of gas have been made.
[7] Rate in effect subject to refund in Docket No. RI65-325.
[7a] Consolidated with G-8087, et al.
[8] Includes 1.0 cent adjustment for B.t.u. content and 1.045 cents tax reimbursement.
[9] Subject to 2.0 cents per Mcf deduction if buyer compresses gas.
[10] Plus 2.0 cents per Mcf for compression.
[11] Well is no longer capable of producing gas.
[12] Applicant disposed of producing properties.
[13] Sales of gas discontinued due to insufficient production.

[F.R. Doc. 65-6017; Filed, June 10, 1965; 8:45 a.m.]

[Docket No. G-11815, etc.]

MARATHON OIL CO. ET AL.

Findings and Order

June 2, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, making successor corespondent, redesignating proceeding, making rate change effective, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate, add, or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Chase Petroleum Co. (Operator), agent for John M. Clark, et al., Applicant in Docket No. CI65-941, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-13558 and made pursuant to the Estate of Kay Kimbell, et al., FPC Gas Rate Schedule No. 3. Applicant has filed the contract, as supplemented, comprising said rate schedule as its own rate schedule. On December 10, 1959, Kay Kimbell Oil Properties, et al., predecessor in interest to the Estate of Kay Kimbell, et al., filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 3. By order issued January 6, 1960, in Docket No. G-20538[1] the Commission suspended the proposed change until June 10, 1960, and thereafter until made effective. The change was designated as Supplement No. 1 to the rate schedule. On March 22 and March 29, 1965, Applicant filed a motion and agreement and undertaking in Docket No. G-20538 to be made co-respondent and to make the change in rate effective. Accordingly, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated, the change in rate will be made effective as of March 22, 1965, insofar as it is applicable to sales by Applicant from the acreage acquired from the Estate of Kay Kimbell, and the agreement and undertaking will be accepted for filing.

[1] Consolidated with Docket No. AR61-1, et al.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 28, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-11815, G-13558, G-16993, CI60-509, CI61-113, CI62-366, CI62-690, CI62-1377, CI63-444, CI63-1125, CI64-519, CI64-1136, CI64-1237, CI64-1284, CI65-30, and CI65-114 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Chase Petroleum Co. (Operator), agent for John M. Clark, et al., should be made corespondent in the proceeding pending in Docket No. G-20538 and said proceeding should be redesignated accordingly.

(7) It is necessary and appropriate in carrying out the provisions under the Natural Gas Act that the proposed change in rate suspended in Docket No.

G-20538 should be made effective subject to refund as of March 22, 1965, with respect to the sale of natural gas by Chase Petroleum Co. (Operator), agent for John M. Clark, et al., from acreage acquired from the Estate of Kay Kimbell, et al., and the agreement and undertaking submitted by Chase Petroleum Co. should be accepted for filing.

(8) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales or natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate shall be filed prior to the applicable date, as indicated by footnotes 1 and 7 in the attached tabulation, which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G-11815, CI62-690, CI63-1125, CI64-1136, CI64-1237, CI64-1284, and CI65-114 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificates heretofore issued in Docket Nos. G-13558, G-16993, and CI60-509 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65-941, CI65-918, and CI65-1039.

(G) The certificates heretofore issued in Docket Nos. CI61-113, CI62-366, CI62-1377, CI63-444, CI64-519, and CI65-30 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(H) In view of the authorization granted in paragraph (G) above the certificates heretofore issued in Docket Nos. CI62-1377 and CI63-444 are further amended to exclude authorization for sales from leases covering acreage in sections 29 and 32, Township 1N, Range 24ECM and section 33, Township 2N, Range 20ECM, respectively, subject to Applicant's filing of agreements by which buyer has released such acreage from the related contracts.

(I) Chase Petroleum Co. (Operator), agent for John M. Clark, et al., be and it is hereby made a corespondent in the proceeding pending in Docket No. G-20538, and said proceeding is redesignated accordingly.[3]

(J) The rates, charges, and classifications set forth in Supplement No. 1 to Chase Petroleum Co. (Operator), agent for John M. Clark, et al., FPC Gas Rate Schedule No. 4 shall be effective, subject to refund, as of March 22, 1965, and Chase Petroleum Co.'s agreement and undertaking is hereby accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. G-20538.

(K) Chase Petroleum Co. (Operator), agent for John M. Clark, et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Chase Petroleum Co.'s agreement and undertaking in Docket No. G-20538 shall remain in full force and effect until discharged by the Commission.

(L) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-11815 C 4-21-65 [1]	Marathon Oil Co.	Transcontinental Gas Pipe Line Corp. (North Markham) North Bay City Field, Matagorda County, Tex.	Agreement 3-25-65 [2]	10	14
CI61-113 E 4-19-65	Estate of O. A. Phillips (successor to O. A. Phillips).	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	O. A. Phillips, FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession 4-16-65.		
			Effective date: 8-12-64		
CI62-366 E 4-13-65	Calvert Exploration Co. (Operator), et al. (successor to Mid-America Minerals, Inc.).	Panhandle Eastern Pipe Line Co., Six Mile Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No 2.	5	
			Supplement No. 1	5	1
			Notice of succession 4-7-65.		
			Assignment 12-31-64	5	2
			Effective date: 12-31-64.		
CI62-1377 E 4-13-65	do [3]	Northern Natural Gas Co., Six Mile Field, Beaver County, Okla.	Mid-America Minerals Inc., FPC GRS No. 3.	6	
			Supplement Nos. 1-2	6	1-2
			Notice of succession 4-7-65.		
			Assignment 12-31-64	6	3
			Effective date: 12-31-64.		
CI63-444 E 4-13-65	do [4]	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No. 4.	7	
			Supplement No. 1	7	1
			Notice of succession 4-7-65.		
			Assignment 12-31-64	7	2
			Effective date: 12-31-64.		
CI63-1125 C 4-21-65 [7]	Gulf Oil Corp.	Arkansas Louisiana Gas Co., Southeast Lacy Area, Kingfisher County, Okla.	Supplemental agreement 3-4-65. [8]	254	
CI64-267 A 8-27-63	Frank B. Waters d.b.a. Frank Waters Oil Co. (Operator), et al.	Hydrocarbon Transmission Co., North A.S.O.G. Field, Jim Wells County, Tex.	Contract 5-9-63	[illegible]	
			Amendment 4-14-65 [3] [9]	[illegible]	1

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[3] Estate of Kay Kimbell, et al., and Chase Petroleum Co. (Operator), agent for John M. Clark, et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI64-839 E 4-13-65	Calvert Exploration Co. (Operator), et al. (successor to Mid-America Minerals, Inc.).	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No. 6.	9	
			Notice of succession 4-7-65.		
			Assignment 12-31-64	9	1
			Effective date: 12-31-64		
CI64-1136 C 3-24-65 [10]	J. A. Heard d.b.a. Heard Oil & Gas.	United Gas Pipe Line Co., Quinto Creek Field Area, Jim Wells County, Tex.	([11] [12])		
CI64-1136 C 3-25-65 [13]	do	do	([11] [12])		
CI64-1237 C 4-22-65 [1]	O. W. Mayhew, et al. d.b.a. Mayhew Oil & Gas Developments.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Letter agreement 2-23-65 [9]	4	2
CI64-1284 E 4-13-65	Calvert Exploration Co. (Operator), et al. (successor to Mid-America Minerals, Inc.).	Transcontinental Gas Pipe Line Corp., South Tilden Field, McMullen County, Tex.	Mid-America Minerals, Inc., FPC GRS No. 8.	4	
			Notice of succession 4-7-65.		
			Assignment 12-31-64 [14]	4	1
			Effective date: 12-31-64		
CI65-30 E 4-13-65	do	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No. 9.	11	
			Notice of succession 4-7-65.		
			Assignment 12-31-64	11	1
			Effective date: 12-31-64		
CI65-114 C 4-23-65 [7]	Socony Mobil Oil Co., Inc.	Northern Natural Gas Co., Northeast Dower Field, Beaver County, Okla.	Supplemental agreement 3-16-65 [8]	358	1
A CI65-918 (G-19998) F 3-10-65	Westmore Drilling Co., Inc. (Operator), et al.	Cities Service Gas Co., Aetna Mississippi Gas Pool, Barber County, Kans.	Contract 11-4-58 [15] [16]	2	
			Amendment 5-23-60 [17]	2	1
			Assignment 6-8-64 [18]	2	2
			Assignment 6-9-64 [19]	2	3
			Assignment 8-7-64 [18]	2	4
			Assignment 8-28-64 [19]	2	5
		(Davis Ranch "E" Unit)	Assignment 8-31-64 [20]	2	6
		do	Assignment 8-31-64 [19]	2	7
		do	Assignment 9-2-64 [19]	2	8
		(Davis Ranch "D" Unit)	Assignment 9-16-64 [20]	2	9
		do	Assignment 9-16-64 [19]	2	10
		(Davis Ranch "G" Unit)	Assignment 9-16-64 [20]	2	11
		do	Assignment 9-16-64 [19]	2	12
A CI65-941 (G-13558) F 3-22-65 [26]	Chase Petroleum Co. (Operator), agent for John M. Clark, et al.	El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex.	Contract 5-17-57	4	
			Supplemental agreement 12-3-57.	4	1
			Letter 7-11-58	4	2
			Supplemental agreement 10-26-59.[22]	4	3
			Supplemental agreement 10-26-59.[23]	4	4
			Letter 11-30-59	4	5
			Assignment 3-18-64 [24]	4	6
			Assignment 12-10-64 [21]	4	7
			Effective Date: 3-18-64		
CI65-947 A 3-24-65	Miller & Fox Minerals Corp.	J. A. Heard d.b.a. Heard Oil & Gas, Quinto Creek Field Area, Jim Wells County, Tex.	Contract 3-19-65 [12]	6	
CI65-955 A 3-25-65	Cherosage Enterprises, Inc. (Operator), et al.	do	Contract 4-16-64 [12]	2	
CI65-967 A 3-25-65	Ne-O-Tex Corp.[25]	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Contract 3-1-65	3	
CI65-1021 A 4-14-65	First Transportation Gas Corp., Inc.	Northern Natural Gas Co., acreage in Ellis County, Okla.	Contract 6-26-64	5	
CI65-1022 A 4-15-65	Thomas N. Berry & Co. (Operator), et al.	Cities Service Gas Co., Cherryvale Field, Grant County, Okla.	Contract 4-5-62 [12]	6	
CI65-1023 A 4-13-65	Edwin L. Cox	Anadarko Production Co., Interstate Field, Morton County, Kans.	Contract 3-22-65 [12]	58	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65-1024 A 4-15-65	J. M. Huber Corp.	Lone Star Gas Co., North Dibble Field, McClain County, Okla.	Contract 1-19-65 [12]	66	
CI65-1026 A 4-15-65	C. L. Morris et al.	Arkansas Louisiana Gas Co., Mooringsport Field, Caddo Parish, La.	Contract 8-31-64	1	
CI65-1027 A 4-16-65 [1]	Pan American Petroleum Corp.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	Contract 3-12-65 [12]	415	
CI65-1028 A 4-16-65 [1]	Hays & Co., agent for Crump Oil Co.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Contract 3-1-65 [12]	37	
CI65-1029 A 4-19-65 [1]	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Contract 3-5-65 [12]	12	
CI65-1030 A 4-16-65 [1]	Kerr-McGee Oil Industries, Inc.	Baca Gas Gathering System, Inc., Flank Field, Baca County, Colo.	Contract 3-17-65	81	
			Letter Agreement 3-16-65.[12] [27]	81	1
CI65-1035 A 4-19-65 [7]	Sinclair Oil & Gas Co. et al.	Northern Natural Gas Co., Balco Field, Beaver County, Okla.	Contract 2-2-65 [28]	336	
			Contract 10-4-63 [12] [29]	336	1
CI65-1038 A 4-21-65 [1]	Reliance Oil Corp.	Pennzoil Co., Duval District, Lincoln County, W. Va.	Contract 8-17-64 [11]	1	
A CI65-1039 (CI60-509) F 4-21-65	Turnbull & Zoch Drilling Co., agent for Arnold O. Morgan et al.	United Gas Pipe Line Co., Hynes Ranch Field, Refugio County, Tex.	Contract 4-21-60 [30]	3	
			Letter agreement 4-21-60.[30]	3	1
			Assignment 2-26-65 [31]	3	2
			Supplemental Agreement. 3-8-65.	3	3
			Effective Date: 1-24-65		

[1] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[2] Previously accepted for filing by Commission letter dated May 14, 1965.
[3] Effective date: Date of this order.
[4] Omitted.
[5] Applicant states that leases covering acreage in sections 29 and 32-1N-24ECM have been released because of failure to obtain production.
[6] Applicant states that leases covering acreage in section 33-2N-20ECM have been released because of failure to obtain production.
[7] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[8] Adds casinghead gas under contract dated Dec. 30, 1960, with respect to 2 wells, and provides for periodic price escalations of 1 cent per Mcf on Dec. 15, 1967, Dec. 15, 1972, and Dec. 15, 1977.
[9] Amends contract pricing provisions in compliance with temporary certificate by eliminating indefinite pricing provisions in violation of Order No. 242.
[10] Adds production of gas attained from Miller & Fox Minerals Corp. in Docket No. CI65-947.
[11] Applicant submitted only billing statements as rate filings to its FPC GRS No. 1.
[12] Effective date: Date of initial delivery.
[13] Adds production of gas attained from Cherosage Enterprises, Inc. (Operator), et al., in Docket No. CI65-955.
[14] Conveys acreage dedicated under Mid-America Minerals, Inc., FPC GRS No. 8 to Jno. W. Nichols and Calvert Exploration Co.
[15] Contract between Champlin Oil & Refining Co. and Cities Service Gas Co.; on file as Champlin Oil & Refining Co. (Operator), et al. FPC GRS No. 76.
[16] Basic contract provides for 1.0 centper Mcf escalation on Dec. 22, 1964, a favored-nations clause and a 100 percent take-or-pay provision with a 2 years make-up period.
[17] Deletes the favored-nations clause and provides for a 1.0 cent per Mcf escalation every 5-year period after Dec. 22, 1964.
[18] Assignment from Champlin Oil & Refining Co., et al., to K & E Drilling, Inc.
[19] Assignment from K & E Drilling, Inc., to Westmore Drilling Co., Inc., et al.
[20] Assignment from K & E Drilling, Inc., to Barnett Oil Co.
[21] Partial succession to Kay Kimbell Estate, et al. FPC GRS No. 3.
[22] Between El Paso and Argo Oil Corp.
[23] Between El Paso and Kay Kimbell Oil Properties.
[24] From Kay Kimbell, et al., and Western Drilling Co. to John M. Clark (covers only part of original contract dedication).
[25] Adds et al. parties.
[26] By letter filed May 5, 1965, Applicant stated willingness to accept a permanent certificate conditioned to a total initial rate of 16.0 cents per Mcf at 14.65 p.s.i.a.
[27] Assignment and agreement relating to processing rights of the gas with Anadarko Production Co.
[28] Ratifies contract dated Oct. 4, 1963.
[29] Basic casinghead gas contract between Mid-America Minerals, Inc., and Northern Natural Gas Co.
[30] Between Union Producing Co., seller, and United Gas Pipe Line Co., buyer; on file as Union Producing Co. FPC GRS No. 238.
[31] Conveys acreage from Union Producing Co. to Arnold O. Morgan, et al.

[F.R. Doc. 65-6018; Filed, June 10, 1965; 8:45 a.m.]

[Docket No. CP65-382]

AMERICAN LOUISIANA PIPE LINE CO. AND TRUNKLINE GAS CO.

Notice of Application

JUNE 7, 1965.

Take notice that on May 28, 1965, American Louisiana Pipe Line Co. (American), 1 Woodward Avenue, Detroit, Mich., 48226, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex., 77001, filed in Docket No. CP65-382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of emergency interconnections between the pipeline systems of the two companies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The proposed interconnections will be located at the following points:

(1) At a point approximately 400 feet west of the point where Trunkline's 26-inch main line crosses American's 22-inch main line in Elkhart County, Ind.

(2) At a point in Tate County, Miss., where Trunkline's 26-inch and 30-inch main lines are adjacent to American's 30-inch main line.

The application states that Trunkline and American have entered into a letter agreement which provides for the utilization of the proposed facilities when either company is confronted with an emergency which can be alleviated by the deliveries of natural gas from the other.

The estimated cost of the proposed facilities is $58,620, of which American's share would be $29,620 and Trunkline's share would be $29,000, and which will be financed by the respective companies from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 2, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6057; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-377]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 4, 1965.

Take notice that on May 27, 1965, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo., 80901, filed in Docket No. CP65-377 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of natural gas to Michigan Wisconsin Pipe Line Co. (Michigan), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Michigan, on an interruptible basis, such daily volumes of gas as Applicant may have available from time to time and which Michigan may wish to purchase. Michigan has estimated that it may require approximately 4,000,000 Mcf during the remaining portion of 1965. The agreement pursuant to which the deliveries would be made provides for termination 1 year from the date of initial deliveries.

Applicant proposes to construct and operate a meter station at a point in Beaver County, Okla., where its Mocane-Hooker 22-inch line intersects Michigan's 24-inch line which originates at its Hill Compressor Station. The estimated cost of the meter station is $26,950, which is to be financed from current working funds on hand.

The application states that Applicant has a supply of gas temporarily in excess of its current market requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6058; Filed, June 10, 1965; 8:46 a.m.]

[Project No. 2520]

GREAT NORTHERN PAPER CO.

Notice of Application for License for Constructed Project

JUNE 4, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Great Northern Paper Co. (correspondence to: Robert Hellendale, Vice President and Secretary, Great Northern Paper Co., 522 Fifth Avenue, New York, N.Y., 10036; copies to LeBoeuf, Lamb, and Leiby, 1 Chase Manhattan Plaza, New York, N.Y., 10005), for license for constructed Project No. 2520, known as the Mattaceunk Project, located on the Penobscot River in Penobscot and Aroostook Counties, Maine, in the vicinity of Medway and Mattawamkeag.

The existing project consists of: (1) A dam with a 657-foot spillway equipped with 4 feet of automatic flashboards, a 114-foot section with 90-foot-wide roller gate, a 37-foot section with a 10-foot-wide log sluice and a 22-foot-wide fish ladder, a 142-foot-long powerhouse, the remaining 110 feet of the structure is earthfill with a concrete core wall; the total length of the dam is 1,060 feet and the maximum height is 45 feet, creating a reservoir of 1,550 acres; (2) the powerhouse, known as Weldon Station, has a concrete substructure and steel frame and brick superstructure containing two adjustable turbines of 5,900 hp each, and two fixed blade turbines of 6,250 hp each, operating at 39 feet head, four generators of 4,800 kw each with appurtenant facilities; (3) a substation containing 6-4,000 kva single phase transformers; and (4) a transmission line approximately 9 miles long connecting to Applicant's mill at East Millinocket. The total installed capacity of the project is 19,200 kw.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 20, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6060; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-374]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 4, 1965.

Take notice that on May 27, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-374 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to Cascade Natural Gas Corp. (Cascade), for resale in the community of Quincy, Wash., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate in Chelan County, Wash., a meter station, approximately 2.6 miles of 4½-inch O.D. lateral pipeline and appurtenances extending from a point of connection with Applicant's 8⅝-inch O.D. Northwest Division Wenatchee Lateral in a southeasterly direction to a point of connection with facilities proposed to be constructed and operated by Cascade.

Cascade's estimated annual and maximum daily requirements during the third year of the proposed service will be 286,000 Mcf and 2,125 Mcf, respectively.

The total estimated cost of the facilities proposed to be constructed by Applicant is $66,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6059; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-376]

INDIANA NATURAL GAS CORP.

Notice of Application

JUNE 4, 1965.

Take notice that on May 27, 1965, Indiana Natural Gas Corp. (Applicant), Paoli, Ind., filed in Docket No. CP65-376 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Texas Gas), to establish a physical connection of its natural gas transmission facilities with facilities to be constructed by Applicant and to supply natural gas for resale by Applicant in the Towns of English, Marengo, and Milltown, Ind., and vicinity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Texas Gas be directed to install metering and regulating facilities at the proposed point of connection in Crawford County, Ind., and to deliver up to 1,370 Mcf per day through such connection. Applicant will construct additional transmission facilities and distribution facilities to provide the proposed service.

The total estimated volumes of natural gas involved to meet Applicant's annual- and peak-day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	58,322	79,635	100,530
Peak day (Mcf)	981	1,203	1,370

The estimated cost of the facilities to be constructed by Applicant through the third year is $309,842, which will be financed from the sale of common stock and bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6061; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-383]

MICHIGAN GAS STORAGE CO.

Notice of Application

JUNE 7, 1965.

Take notice that on June 1, 1965, Michigan Gas Storage Co. (Applicant), 212 West Michigan Avenue, Jackson, Mich., filed in Docket No. CP65-383 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new interchange or delivery point with Consumers Power Co. (Consumers), at a point in Oakland County, Mich., and the transportation of natural gas for Consumers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Consumers desires to use a larger amount of natural gas from its supply located in St. Clair and Macomb Counties, Mich. It therefore proposes to construct a 26-inch pipeline approximately 21 miles in length extending from its proposed St. Clair Compressor Station in Macomb County to a point of interconnection with Applicant's existing 20-inch pipeline in Oakland County.

The stated reason for the proposal is that a second pipeline connection from the St. Clair supply to the integrated systems of Applicant and Consumers is necessary to permit the distribution of an increased amount of the supply at the lowest possible cost as well as providing facilities to transport gas to Consumers' storage facilities in St. Clair County.

The application states that the entire cost of the new facilities will be paid for by Consumers. No new facilities will be constructed by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 1, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6062; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-1 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Postponing Hearing, Consolidating Proceedings, Setting Dates for Prehearing Conference and Commencement of Hearing, Prescribing Procedure, and Permitting Intervention

JUNE 4, 1965.

In the matter of Northern Natural Gas Co., Natural Gas Pipeline Co. of America, Transwestern Pipeline Co., Docket Nos. CP65-1, CP65-91, CP65-338, CP65-169, CP65-325, CP65-208, CP65-236, CP65-237, CP65-320.

By the Commission's orders issued March 16, 1965, and May 12, 1965, the proceedings in the cases listed in the caption hereof, except Docket Nos. CP65-320 and CP65-325, were consolidated for hearing and a hearing was set to commence on May 25, 1965.

On May 19, 1965, the presiding examiner issued an order postponing the date of hearing to June 8, 1965.

On April 16, 1965, notices of applications were issued under Docket Nos. CP 65-320 (30 F.R. 5770) and CP65-325 (30 F.R. 5806) permitting the filing of protests and petitions to intervene on or before May 10, 1965. Notices of intervention in both cases were timely filed by the Public Utilities Commission of the State of California, 5072 State Building, San Francisco, 94102.

Petitions to intervene were filed by the following petitioners:

	Docket Nos.	Filing date
Natural Gas Pipeline Co. of America, 122 South Michigan Ave., Chicago, Ill., 60603.	CP65-320	5-10-65
Peoples Gas Light & Coke Co., 122 South Michigan Ave., Chicago, Ill., 60603.	CP65-320 CP65-325	5- 4-65
North Shore Gas Co., 209 Madison St., Waukegan, Ill., 60085.	CP65-320 CP65-325	5- 5-65
Northern Illinois Gas Co., Post Office Box 190, Aurora, Ill., 60507.	CP65-320 CP65-325	5-10-65
Pacific Lighting Gas Supply Co., Southern California Gas Co., Southern Counties Gas Co. of California, Los Angeles.	CP65-320	5-10-65
Gulf Pacific Pipeline Co., Post Office Box 2511, Houston, Tex., 77001.	CP65-320	5-12-65

On March 29, 1965, Natural filed a motion to sever from the consolidated proceeding those portions of CP65–169 which are not involved in the controversy as to who should perform gathering activities in the Permian Basin. This motion was based upon the fact that Natural had agreed with Transwestern upon an interim gathering arrangement pending the ultimate determination as to whether it or Transwestern should perform the gathering function, and that this agreement (which is incorporated in Docket Nos. CP65–320 and CP65–325) obviated the need for any delay in considering the other facets of Natural's application. However, questions have arisen as to the propriety of the interim agreement, particularly the proposed price Natural would pay Transwestern for such services, and petitions for interventions in Docket Nos. CP65–320 and CP65–325 have been filed inter alia by the Public Utility Commission of the State of California and the Pacific Lighting companies. The latter petition to intervene expressly raises the question of the alleged effect the interim service proposed by Transwestern will have upon the ultimate cost, heating value and availability of gas purchased by Pacific Lighting companies from Transwestern.

Under these circumstances, it seems clear that a hearing is necessary on the applications involved in CP65–320 and CP65–325 and that CP65–169, which is dependent upon the Permian gas involved in CP65–320 and CP65–325, cannot be acted upon separately therefrom. Moreover, since the record in such proceeding may contain information relevant to determination of the other applications which have previously been designated for hearing, we do not think that severance and consideration in a separate hearing of CP65–320 and CP65–325, together with such portions in CP65–169 not involved in the gathering controversy, would be feasible. We do believe, however, that under the circumstances the public interest would be served by consolidating CP65–320 and CP65–325 with the other applications which have been previously set for hearing herein, and specifying that these applications, together with such portions of CP65–169 not involved in the gathering controversy, should be heard separately as Phase 1 of this consolidated proceeding.

The Commission finds:

(1) The applications under Docket Nos. CP65–320 and CP65–325 involve issues related to the issues presented by the applications under Docket Nos. CP65–1, et al., and the proper administration of the Natural Gas Act requires that further proceedings in all of said cases be consolidated except as hereinafter provided.

(2) Good cause exists to allow said petitioners listed above and also all interveners in the proceedings under Docket Nos. CP65–1, et al., to intervene in these consolidated proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The proceedings in the cases listed in the caption hereof are hereby consolidated, and a public hearing on the issues presented by the applications in said cases will be held in two phases. Phase 1 will embrace proceedings under Docket Nos. CP65–320 and CP65–325 and such portions of CP65–169 not involving the construction of gathering facilities in the Permian Basin, and Phase 2 will embrace proceedings under all of the other of said docket numbers.

(B) A prehearing conference on the issues presented by Phase 1 of this proceeding will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on June 25, 1965.

(C) Parties who intend to present evidence under Phase 1 of this proceeding shall file with the Commission and serve on all parties and the staff on or before June 25, 1965, the proposed evidence comprising their cases-in-chief in said cases, including prepared testimony of witnesses and exhibits. Dates for filing further testimony and exhibits will be fixed by the examiner.

(D) A public hearing on the issues presented by the appliactions comprising Phase 1 of the hearing in the consolidated proceedings, will be held in a hearing room of the Federal Power Commission commencing at 10 a.m. on July 12, 1965. The examiner is directed to expedite his decision in this phase of the proceeding.

(E) Phase 2 of the hearing which is now scheduled to comemnce on June 8, 1965, is hereby postponed to a date to be set by the Presiding Examiner.

(F) The petitioners named above, and also all parties heretofore permitted to intervene in the proceedings under Docket Nos. CP65–1, et al., are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission; provided, however, that their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene; and provided further, that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in these proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6063; Filed, June 10, 1965; 8:46 a.m.]

[Docket Nos. CP65–213—CP65–215]

PACIFIC GAS TRANSMISSION CO.

Order Granting Interventions, etc.; Correction

JUNE 1, 1965.

In the Order Granting Interventions and Fixing Dates for The Filing of Exhibits and For Prehearing Conference, issued May 25, 1965 and published in the FEDERAL REGISTER, June 1965 (F.R. Doc. 65–5687; 30 F.R. 7303), add the following to the list of Petitions seeking leave to intervene:

Petitioner:	*Date of filing*
State of Texas	Feb. 16, 1965

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6064; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. RI65–632]

SHELL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JUNE 7, 1965.

On May 14, 1965, Shell Oil Co. (Operator), et al. (Shell),[1] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 12, 1965.

Purchaser and producing area: El Paso Natural Gas Co. (Clear Lake and Madison Fields, Beaver County, Okla.) (Panhandle Area).

Rate schedule designation: Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230.

Effective date: July 1, 1965.[2]
Amount of annual increase: $168,706.
Effective rate: 17.0 cents per Mcf.[3][4]
Proposed rate: 19.5 cents per Mcf.[4][5]
Pressure base: 14.65 p.s.i.a.

Shell proposes a periodic increase in base rate from 17.0 cents to a "fractured"

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[1] Address is: 50 West 50th Street, New York 20, N.Y.

[2] The stated effective date is the effective date requested by Respondent.

[3] Initial certificated rate in Docket No. G–17888 under Opinion Nos. 390 and 390–A.

[4] Rate shown is base rate subject to an upward B.t.u. adjustment to a maximum of 0.95 cents per Mcf or a payment for liquid hydrocarbons. Rate shown does not include adjustments.

[5] Fractured rate increase. (Contractual due rate is 23.0 cents per Mcf due on July 1, 1965.)

rate of 19.5 cents per Mcf. In addition, in accordance with the Commission's Opinion Nos. 390 and 390-A which certificated the subject sale, the rate is subject to adjustment for liquified hydrocarbons or upward B.t.u. adjustment depending on whether the gas is processed. The proposed rate, being lower than the contractually authorized rate, is considered to be a "fractured" rate. Shell proposes an effective date of July 1, 1965, the date the contractual rate escalates to 23.0 cents per Mcf, for their proposed rate filing. The 19.5 cents per Mcf rate, plus an adjustment for liquified hydrocarbons or upward B.t.u. adjustment if the gas is processed, exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), and is suspended as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230.

(B) Pending such hearing and decision thereon, Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230 is hereby suspended and the use thereof deferred until December 1, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before July 28, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6065; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-381]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

JUNE 7, 1965.

Take notice that on May 28, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP65-381 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing natural gas service to the cities of New Albany and Pontotoc, Miss., under separate gas sales contracts, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has served the cities under one service agreement since 1951. Pursuant to the request of the cities that they be treated as two separate customers, Applicant entered into separate gas sales contracts with each, allocating the authorized maximum daily quantity of 5,823 Mcf between the two contracts in accordance with the election of the cities. Such allocation resulted in 4,039 Mcf per day being assigned to New Albany and 1,784 Mcf per day being assigned to Pontotoc. Applicant now seeks authority to make the separate sales.

The application states that no increased quantities of natural gas nor any additional facilities will be required to effectuate Applicant's proposal.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 30, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6066; Filed, June 10, 1965; 8:47 a.m.]

[Docket No. CP65-375]

TOWN OF WEIR, MISS.

Notice of Application

JUNE 3, 1965.

Take notice that on May 27, 1965, the Town of Weir, Miss. (Applicant), filed in Docket No. CP65-375 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Texas Eastern) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in its town limits and the vicinity thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Texas Eastern be directed to install a metering and regulator station in Choctaw County, Miss., at a point approximately 1 mile south of Applicant's town limits where Applicant's proposed distribution system will be connected, and to sell up to 191 Mcf per day through the point of connection.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	11,289	13,513	15,754
Peak day (Mcf)	136	163	191

The total estimated cost of the installation of Applicant's proposed distribution system is $95,000, which is to be financed from the sale of gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6067; Filed, June 10, 1965; 8:47 a.m.]

[Docket No. CP65-380]

WESTERN INDIANA PUBLIC SERVICE CO., INC.

Notice of Application

JUNE 4, 1965.

Take notice that on May 28, 1965, Western Indiana Public Service Co., Inc. (Applicant), 524 15th Street, Moline, Ill., filed in Docket No. CP65-380 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Panhandle) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in a service area which includes Bloomingdale, Marshall, Kingman, Veedersburg, Hillsboro, Covington, and Waynetown, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate distribution facilities to serve the seven communities, including the adjacent areas, and to construct and operate approximately 44.7 miles of lateral transmission lines extending from the proposed point of interconnection with Panhandle's main transmission line north of Rockville, Parke County, Ind., to the city gate of each community proposed to be served. Applicant seeks the connection and the sale and delivery by Panhandle to Applicant of up to 5,530 Mcf of natural gas per day for resale in the proposed service area.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial 3 year period of proposed operations are estimated to be:

	First year	Second year	Third year
Annual (Mcf)	276,327	541,234	627,471
Peak day (Mcf)	3,139	4,524	5,530

The total estimated cost of Applicant's proposed distribution system and lateral is $1,750,000, which is to be financed from the sale of first mortgage bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6068; Filed, June 10, 1965; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MID-CONTINENT BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that an application has been received by the Board of Governors of the Federal Reserve System, on behalf of Mid-Continent Bancorporation, Leadville, Colo., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for prior approval to become a bank holding company through the acquisition of 92½ percent of the shares of First National Bank in Walsenburg, Walsenburg, Colo., and 91.6 percent of the shares of Commercial Bank of Leadville, Leadville, Colo. This application supersedes the application originally filed by Mid-Continent Financial Corp., Leadville, Colo., which owns the above-mentioned percentage of shares of Commercial Bank of Leadville and proposed to acquire 92½ percent of the shares of First National Bank in Walsenburg. Notice of the latter application was published in the FEDERAL REGISTER on April 23, 1965, at page 5769.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 3d day of June 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6042; Filed, June 10, 1965; 8:45 a.m.]

RIVERSIDE TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Riverside Trust Co. for approval of merger with Bristol Bank and Trust Co.

There has come before the Board of Governors, pursuant to the bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Riverside Trust Co., Hartford, Conn., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bristol Bank and Trust Co., Bristol, Conn., under the charter of the former and title of United Bank & Trust Co. As an incident to the merger, the five authorized offices of Bristol Bank and Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 4th day of June 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6043; Filed, June 10, 1965; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston. Dissenting Statement of Governor Maisel also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Balderston, Robertson, Shepardson, Mitchell, and Daane. Voting against this action: Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[812-1794]

BUSINESS FUNDS, INC.

Notice of Filing of Application

JUNE 7, 1965.

Notice is hereby given that Business Funds, Inc. ("Applicant"), 824 Bettes Building, Houston, Tex., a closed-end investment company registered under the Investment Company Act of 1940 ("Act") and also a small business investment company licensed as such under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder. Applicant seeks an order of the Commission permitting certain affiliated persons of Applicant to acquire shares of common stock of Western Equities, Inc. ("Western") pursuant to a distribution by Applicant to its shareholders of all of its holdings of the common stock of Western. All interested persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

Western, which is principally engaged in the business of manufacturing and selling geophysical, timing, and optical devices, and in the mining of uranium, had outstanding at December 31, 1964, 3,506,832 shares of common stock all of which were listed for trading on the American Stock Exchange. Applicant owns 567,175 shares, or 16.22 percent of the outstanding common stock of Western. In addition, Applicant owns 2,805 shares of Western $100 par value preferred stock, and two promissory notes of Western, due January 1, 1969, with an aggregate principal amount of $3,304,375. Under the loan agreements with respect to the notes of Western, Applicant has the right to designate 4 nominees for election to Western's board of directors consisting of 13 members.

Applicant proposes to distribute pro rata to its shareholders of record on April 30, 1965, all its holdings of 567,175 shares of Western common stock on the basis of one share of Western common stock for each three shares of Applicant's common stock. Fractional shares of Western common stock will not be distributed, and, in lieu thereof, the shares not distributed will be sold and the cash distributed to Applicant's shareholders entitled thereto.

Fourteen of the 16 directors comprising the board of directors of Applicant own in the aggregate 22.77 percent of the outstanding stock of Applicant. John F. Austin, Jr. ("Austin"), chairman of the board of Applicant, owns 274,450 shares, or 15.91 percent of the Applicant's stock outstanding.

Upon completion of the proposed distribution, the 14 directors of Applicant will own in the aggregate 3.75 percent of the outstanding common stock of Western; Austin will own 2.62 percent of the outstanding stock of Western; and Applicant will continue to own the $3,304,-375 principal amount of Western notes and the 2,805 shares of Western $100 par value preferred stock.

Applicant states that within thirty days after an order of the Commission granting the application, all cross-directorships between the boards of directors of Western and Applicant will be eliminated, except that Applicant may, at its option, retain one director of Applicant on the Western board of directors, but only if and so long as that director owns no Western stock. In addition, Applicant agrees that, so long as it is the owner of the Western notes referred to above, or any renewal or extension thereof, or any other indebtedness of Western to Applicant: (a) Austin will not participate in the discussion or decision at any executive committee or board of directors meeting of Applicant with regard to any matter relating to such notes or debts or to any matters involving Western; and (b) all directors or other affiliated persons of Applicant who, subsequent to an order of the Commission granting the application, elect to dispose of any Western stock now owned or hereafter acquired by them, will notify the Commission at least 20 days in advance of the proposed disposition, giving details of the proposed disposition; if, within such 20 day period, the Commission notifies such person at the address designated in the notice to the Commission or notifies counsel for Applicant in this proceeding that it has determined that a substantial question exists as to whether or not such proposed sale meets the standards of section 17(d) of the Act, and Rule 17d-1 thereunder, such person will not consummate the proposed disposition of Western stock until he has filed an application with the Commission pursuant to section 17(d) of the Act and Rule 17d-1 thereunder and the Commission has entered an order approving the application.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not here applicable, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect, any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than June 21, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Business Funds, Inc. 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 matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-6053; Filed, June 10, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 531]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Cook and Du Page Counties in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about May 25 and 26, 1965.

OFFICE

Small Business Administration Regional Office,
219 South Dearborn Street,
Chicago, Ill., 60604.

2. Temporary offices will be established as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 28, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6045; Filed, June 10, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Indianapolis, Ind.—Disaster 1, Amdt. 1]

MANAGER, DISASTER FIELD OFFICE, KOKOMO, IND.

Delegation of Authority

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—(Chicago) (30 F.R. 3252), Delegation of Authority No. 30—Indianapolis, Ind.—Disaster 1, effective May 11, 1965 (30 F.R. 7025), is hereby amended by revising Item I.A.1 to read as follows:

I. * * *

A. *Financial assistance*. 1. To approve and decline disaster loans in an amount not exceeding $20,000.

* * * * *

Effective date: May 17, 1965.

ROBERT V. HINSHAW,
Regional Director,
Indianapolis, Ind.

[F.R. Doc. 65-6046; Filed, June 10, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Madison, Wis., Region]

PROGRAM ACTIVITIES IN REGIONAL AREA

Delegation of Authority

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Midwestern Area, Chicago, Ill., 30 F.R. 3252, the following authority is hereby redelegated to the specific positions as indicated herein:

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

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

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

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

3. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000 (SBA share).

c. Simplified bank participation loans not exceeding $350,000 (SBA share).

d. Simplified early maturities participation loans not exceeding $350,000 (SBA share).

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000 (SBA share).

4. To decline as follows:

a. Business loans not exceeding $250,000 (SBA share).

b. Disaster loans not exceeding $350,000 (SBA share).

5. To disburse unsecured disaster loans.

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

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

(Name) *Administrator,*
By ________________________________
Chief, Financial Assistance Division.

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 balance on construction loans and loans involving account receivable and inventory financing.

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

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

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

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

D. *Chief, Loan Processing and Administration Section*. 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. Items I.C.6. through 10.

4. Item I.C.12.—only the authority for servicing, administration, and collection, including subitems a. and b.

5. Item I.A. (Size Determinations for Financial Assistance only.)

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

E. *Reserved*

F. *Reserved*.

G. *Reserved*.

H. Procurement and Management Assistance Division—to be redelegated later.

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

J. *Administrative Assistant*. 1. To a. Make emergency purchases chargeable to the Administrative expense fund, not in excess of $25 in any onc object class in any one instance but not more than $50 in any 1 month for total purchased in all object classes and

b. Make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph;

c. To contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance and

d. Purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

2. In connection with the establishment of Disaster Loan Offices, to

a. Obligate Small Business Administration to reimburse General Services Administration for rental of office space;

b. Rent office equipment;

c. Procure (without dollar limitation) emergency supplies and materials.

3. 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: February 1, 1965.

LAWRENCE J. HAYES,
Regional Director,
Madison, Wis.

[F.R. Doc. 65-6047; Filed, June 10, 1965; 8:45 a.m.]

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