Executive Order 11231

ESTABLISHING THE VIETNAM SERVICE MEDAL

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. There is hereby established the Vietnam Service Medal with suitable appurtenances. Except as limited in section 2 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or regulations to be prescribed by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, the Vietnam Service Medal shall be awarded to members of the armed forces who serve in Vietnam or contiguous waters or air space, as defined by such regulations, after July 3, 1965, and before a terminal date to be prescribed by the Secretary of Defense.

SEC. 2. Notwithstanding section 3 of Executive Order No. 10977 of December 4, 1961, establishing the Armed Forces Expeditionary Medal, any member who qualified for that medal by reason of service in Vietnam between July 1, 1958, and July 4, 1965, shall remain qualified for that medal. Upon application, any such member may be awarded the Vietnam Service Medal in lieu of the Armed Forces Expeditionary Medal, but no person may be awarded both medals by reason of service in Vietnam and no person shall be entitled to more than one award of the Vietnam Service Medal.

SEC. 3. The Vietnam Service Medal may be awarded posthumously.

LYNDON B. JOHNSON

THE WHITE HOUSE,
July 8, 1965.

[F.R. Doc. 65-7331; Filed, July 8, 1965; 11:06 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1966–67 Marketing Year

Basis and purpose. (a) The regulations contained in §§ 728.304 and 728.305 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, to (1) apportion the national acreage allotment among the several States, and (2) to designate the commercial wheat producing area for the 1966–67 marketing year.

(b) Section 334(a) of the Act, as amended, provides that the 1966 national acreage allotment for wheat (less (1) a reserve of not to exceed 1 per centum thereof for apportionment to counties in addition to the county allotments made under section 334(b) of the Act on the basis of the relative needs of counties for additional allotment because of new areas coming into the production of wheat during the preceding 10 years, and less (2) a special reserve not in excess of 1 million acres for the purpose explained in the following paragraph) shall be apportioned among the several States on the basis of the acreage seeded for the production of wheat during the 10 calendar years 1955 to 1964 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

Section 334(a) of the Agricultural Adjustment Act of 1938, as amended, provides for a special acreage reserve not in excess of 1 million acres as determined by the Secretary as being desirable for the purpose of making additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotment to make adjustments in the allotments on old wheat farms (i.e., farms on which wheat has been seeded or regarded as seeded to one or more of the three crops immediately preceding the crop for which the allotment is established) on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm which would result in an allotment-cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purposes of making adjustments from the special acreage reserve the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year. In determining the amount of the reserve consideration was given to the acreage required for making such adjustment for the 1965 crop. Less than 50,000 acres were needed for apportionment to counties from the reserve. Slight increased demands may be expected in 1966, to make adjustments in farm allotments which were qualified for such adjustment, but were missed or did not apply for such additional allotment in 1965. Accordingly, it is determined that 70,000 acres are desirable for the purposes of this special reserve for the 1966 crop.

The determination that the national reserve for new areas coming into the production of wheat during the immediately preceding 10 years shall be in the amount of 14,393 acres, is based upon experience gained during the past several years and presently indicated needs.

Sections 106(a) and 112 of the Soil Bank Act provide that in the establishment of State, county and farm acreage allotments under the Agricultural Adjustment Act of 1938, as amended, reserve acreages applicable to any commodity shall be credited to the State, county and farm as though such acreage had been devoted to the production of the commodity.

Public Law 86–793 provides that any acreage diverted from the production of wheat in order to carry out a contract under the Great Plains conservation program or Soil Bank program or in order to maintain for such period after expiration of such contract as is equal to the contract period, any change in land use from cultivated cropland to permanent vegetation carried out under the contract, shall be considered acreage devoted to wheat for the purposes of establishing future State, county and farm acreage allotments.

In making the findings and determinations contained in § 728.304 the State wheat acreage estimates of the Statistical Reporting Service of the Department were used for the years 1955–56, inclusive, adjusted where necessary to reflect the acreages of wheat used for green manure, cover crop, hay, pasture, and silage, in all States, and the acreage planted to Durum Wheat (Class II) under applicable public laws, in the States of North Dakota, Minnesota, Montana, South Dakota, and California, as indicated by statistics of the Agricultural Stabilization and Conservation Service of the Department.

For States for which wheat acreage estimates are not compiled by the Statistical Reporting Service, and for the 1957, 1958, 1959, 1960, 1961, 1962, 1963, and 1964 crop years, statistics of the Agricultural Stabilization and Conservation Service were used.

Credit for wheat diversion in 1955 and 1956 was computed on a farm basis as follows: If the farm wheat acreage allotment was knowingly exceeded no credit for diversion was allowed. If the allotment was not knowingly exceeded, or the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county scaling factor and subtracting the wheat acreage from this result.

For 1956 there was added to the computed wheat diversion for each farm the acreage placed in the 1956 acreage reserve program for wheat which was not planted to wheat.

For the years 1955 and 1956, the State diversion credit for wheat was determined by obtaining the sums of the computed farm diversion credits for each year. For the States of Minnesota, Montana, North Dakota, and South Dakota, the acreages of Durum Wheat (Class II) grown within the allotment increases made for 1955 and 1956 under Public Law 431, 84th Congress, were deducted from the 1955 and 1956 State wheat acreages, respectively, adjusted as described above so that such increases made for Durum Wheat (Class II) would not be reflected in the determination of future allotments as provided by those Acts. For the State of California a similar adjustment was made in the 1956 State wheat acreage for Durum Wheat (Class II).

Adjustments for abnormal weather conditions were determined on a county basis for each State because the nature of such adjustments does not permit their determination at the State level. Such adjustments in the county wheat acreage estimates were approved only for counties for which the ASC State committees had determined that the wheat acreage seeded and diverted for any year of the 10-year period was below normal due to abnormal weather conditions. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level. The State wheat acreage estimates of the Statistical Reporting Service, as previously adjusted, were in-

creased by an acreage equal to the difference between the wheat acreage plus diversion and the acreage substituted in lieu thereof as an adjustment for abnormal weather, for all applicable counties in the State.

The 1957 wheat acreage data as compiled from Agricultural Stabilization and Conservation Service statistics included the following as wheat acreage: (1) Acreages actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreages of Durum Wheat (Class II) grown within the allotments increased under Public Law 85–13; (2) the amounts by which the acreages on a farm were less than the wheat acreage allotment, except those farms underplanting the allotments for the purpose of depleting stored excess; (3) the acreages diverted from the production of wheat on complying farms; and (4) the acreages released and reapportioned to farms under regulations issued by the Secretary governing the temporary release and reapportionment of such acreage.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85–203 to add subsection (h), redesignated subsection (g) by the Food and Agriculture Act of 1962, reading in part as follows: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section." Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment was overseeded for the 1958 crop year. The acreage data for 1958 compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (1) The wheat acreage allotments for all farms on which the allotment was overseeded; (2) the wheat base acreages on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and (3) for those farms underplanting the allotment for the purpose of depleting stored excess, the acreages actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86–419 to add subsection (d) as follows:

(d) For the purpose of subsections (a), (b), and (c) of this section, any farm (1) to which a wheat marketing quota is applicable; and (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in the apportionment of allotment beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) previously in effect) for any year (1958 through 1963) shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of subsection (d) and under the exceptions as prescribed in the provisos in Public Law 85–203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction. The 1959 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (1) The wheat acreage allotments for all farms on which the allotment was overseeded, except those farms on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (2) the wheat base acreages on all old farms on which the allotment was overseeded and on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (3) the wheat base acreages on all old farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and (4) for those old farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the scaling factor.

Section 377 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86–172 to read beginning with the first proviso as follows: "*Provided*, That beginning with the 1960 crop, except for federally owned land, the current farm acreage allotments established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of the 2 preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank Act or the Great Plains program)." Under the provisions of this amendment farm wheat acreage history for any crop was not reduced by reason of underplanting except when less than 75 percent of the farm allotment was planted to such crop and to each of the two immediately preceding crops. The 1960, 1961, 1962, 1963, and 1964 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics were the sum of the following: (1) The wheat acreage allotments for all farms on which the allotment was overseeded, except those farms on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (2) the wheat base acreages on all old farms on which the allotment was overseeded and on which the entire amount of the farm marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty, and none of such excess was depleted, or the farm marketing excess was adjusted to zero because of underproduction; (3) the wheat base acreages on all old farms complying with the wheat acreage allotment, except those farms, other than federally owned farms on which less than 75 per centum of the farm allotment for 1960, 1961, 1962, 1963, or 1964, as the case may be, and for each of the two immediately preceding years was actually planted to wheat or was regarded as planted to wheat under the Soil Bank Act and the Great Plains program; (4) for 1960, 1961, 1962, 1963, and 1964 for any old farm other than a federally owned farm on which less than 75 per centum of the farm acreage allotment for 1960, 1961, 1962, 1963, and 1964, as the case may be, and for each of the two immediately preceding years was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act and the Great Plains program, the smaller of the farm base acreage for 1960, 1961, 1962, 1963, or 1964, whichever is applicable, or the acreage obtained by multiplying the wheat acreage for such year by the county wheat diversion factor for such year, which will be the reciprocal of a decimal fraction which is 75 per centum of the county proration factor; (5) for new farms knowingly overplanted for which the farm marketing excesses were adjusted to zero on account of actual production or for which farm marketing excesses were determined and such excesses were stored or delivered to the Secretary to avoid or postpone payment of penalty, the final allotment determined for the farm multiplied by the county diversion credit factor, which was the reciprocal of a decimal fraction equal to 100 per centum of the county proration factor; and (6) for any new farm for which a wheat acreage allotment was determined and such allotment was not overplanted, the final allotment determined for the farm multiplied by the wheat diversion credit factor, which was the reciprocal of a decimal fraction which is equal to the county proration factor. To the acreages determined above, the special allotments assigned to farms in the Tulelake Area of California under the provisions

of Public Law 86-385 were added for each of the years 1959, 1960, and 1961, and as provided in Public Law 87-357 for 1962 and 1963.

Section 334(c) of the Act was amended by section 125 of the Agricultural Act of 1961 to authorize the Secretary to increase farm wheat acreage allotments for the 1962, 1963, and 1964 crop years in the States of North Dakota, Minnesota, Montana, South Dakota, and California to meet demands for Durum Wheat (Class II), but it was provided that such increased allotments would not be taken into account in the determination of future State, county, and farm allotments. Action was taken pursuant to such subsection to increase 1962 farm acreage allotments for the production of Durum Wheat (Class II). As provided in the statute, the increased allotments for the 1962 crop in the designated States were not taken into account in the determination of the State allotments in § 728.304.

State wheat acreage history, as computed in accordance with the preceding paragraphs, was corrected by removing the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development.

Adjustments for trends in acreage during the applicable base period were made for each State by first computing an average of the adjusted State wheat acreage estimates for the 10-year period, 1955-64, and the 5-year period, 1960-64, and then computing for each State the midpoint of such 10-year and 5-year average acreages.

The effect of this adjustment for trend was limited by not permitting the finally determined base acreages to vary from the average of the 10-year period (1955-64) by more than 3 per centum.

The statistics of the Statistical Reporting Service, as so adjusted and supplemented by data compiled by the Agricultural Stabilization and Conservation Service, constitute the latest available and most reliable statistics of the Federal Government.

(c) Section 334a of the Act provides discretionary authority to the Secretary to designate any State for which a State acreage allotment of 25,000 acres or less is determined for 1966 as being outside the commercial wheat-producing area for the 1966-67 marketing year in order to promote efficient administration of the Act and of the Agricultural Act of 1949. Section 379b of the Act, providing for wheat marketing allocations to farms, specifies that if a noncommercial wheat-producing area is established for any marketing year, farms in such area shall be given wheat marketing allocations which are fair and reasonable in relation to the wheat marketing allocations to farms in the commercial wheat-producing area. From the standpoint of efficient and equitable administration of the marketing quota and marketing allocation programs for the 1966-67 marketing year, it is considered desirable that wheat marketing allocations be made to farms in all States on precisely the same basis. Therefore, no State for which a State acreage allotment was determined will be designated outside the commercial wheat-producing area for the 1966-67 marketing year.

(d) The findings and determinations by the Secretary contained in §§ 728.304 and 728.305 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Act.

(e) Prior to proclaiming that a national marketing quota for wheat would be in effect for the 1966-67 marketing year, the amount of such national marketing quota, the amount of the 1966 national acreage allotment for wheat, the apportionment of the 1966 national acreage allotment among the several States, and the determination that no State with a State acreage allotment shall be outside the commercial wheat-producting area for the 1966-67 marketing year, public notice (30 F.R. 3601) was given of the proposed actions in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, and recommendations were submitted pursuant to such notice.

(f) Since the Act requires that notices of farm acreage allotments shall insofar as practicable be mailed to farm operators in sufficient time to be received prior to the date of the referendum to be held not later than August 1, 1965, to determine whether farmers favor or oppose the quota, since farm acreage allotments cannot be determined until the national acreage allotment is apportioned among States and counties, and since farmers need to know their 1966 farm acreage allotments as soon as possible in order to plan their 1966 seeding operations, it is hereby found that the apportionment and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

§ 728.304 Apportionment of the 1966 national acreage allotment of wheat among the several States.

The national acreage allotment, less a national reserve of 14,393 acres and a special acreage reserve of 70,000 acres for additional allotments to counties, is hereby apportioned among the several States as follows:

State	Acreage allotment
Alaska and Hawaii	None
Maine	230
New Hampshire	10
Vermont	321
Massachusetts	153
Rhode Island	88
Connecticut	220
New York	258,150
New Jersey	39,417
Pennsylvania	416,212
Ohio	1,198,219
Indiana	884,719
Illinois	1,180,290
Michigan	764,116
Wisconsin	27,142
Minnesota	614,857
Iowa	95,632
Missouri	1,127,291
North Dakota	6,602,241
South Dakota	2,411,784
Nebraska	2,763,140
Kansas	9,475,617
Delaware	23,670
Maryland	135,171
Virginia	190,063
West Virginia	24,232
North Carolina	230,876
South Carolina	117,816
Georgia	90,481
Florida	13,823
Kentucky	164,115
Tennessee	143,311
Alabama	45,731
Mississippi	46,088
Arkansas	61,827
Louisiana	33,414
Oklahoma	4,310,475
Texas	3,520,370
Montana	3,528,720
Idaho	1,030,483
Wyoming	246,143
Colorado	2,319,207
New Mexico	412,380
Arizona	37,260
Utah	256,110
Nevada	12,924
Washington	1,764,843
Oregon	737,978
California	358,347
Total apportioned to States	47,715,607
Special acreage reserve	70,000
National reserve	14,393
Total national allotment	47,800,000

§ 728.305 Designation of States outside the commercial wheat area for the 1966-67 marketing year.

No State for which a State acreage allotment was determined is designated as outside the commercial wheat-producing area for the 1966-67 marketing year. Accordingly, the commercial wheat producing area for the 1966-67 marketing year shall consist of all States in the United States except Hawaii and Alaska.

(Secs. 301, 334, 334a, 375, 377, 379b, 52 Stat. 38, as amended, 53, as amended, 66, as amended, 73 Stat. 393, 76 Stat. 621, 626, as amended; 7 U.S.C. 1301, 1334, 1334b, 1375, 1377, 1379b)

Effective date: Upon filing with the Director, Office of the Federal Register.

Issued at Washington, D.C., this 6th day of July 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-7196; Filed, July 8, 1965; 8:47 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 755—REGIONAL PROGRAMS

Subpart—Appalachian Land Stabilization and Conservation Program

Sec.

Sec.
755.17 Preservation of cropland, crop acreage and allotment history.
755.18 Appeals.
755.19 Availability of funds.

AUTHORITY: The provisions of this subpart issued under Public Law 89-4, 79 Stat. 5, 12 (1965).

§ 755.1 Definitions.

As used in this subpart the following terms shall have the following meanings:

(a) "Act" means the Appalachian Regional Development Act of 1965.

(b) "Appalachian Region" or "the Region" means that area of the Eastern United States consisting of the following counties (including any political subdivision located within such area):

In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Jackson, Jefferson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, Saint Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston;

In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield;

In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe;

In Maryland, the counties of Allegany, Garrett, and Washington;

In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey;

In Ohio, the counties of Adams, Athens, Belmont, Brown, Carroll, Clermont, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington;

In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming;

In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg;

In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White;

In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe;

All the counties of West Virginia.

In New York, such counties as the Commission and the State of New York agree to include in the Region in accordance with the provisions of section 403 of the Act.

(c) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Administrator" means the Administrator or Acting Administrator of the Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator or Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(f) "Director" means the Director or Acting Director of the Conservation and Land Use Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(g) "State" means any one of the States in the Appalachian Region.

(h) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(i) "County" means a political subdivision of a State identified as a county.

(j) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Occupier" means any person other than the owner or operator who has an interest as tenant or sharecropper in the acreage covered by the contract.

(m) "Farm" means that area of land defined as a farm under the regulations governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this chapter, as amended.

(n) "Cropland" means that land considered as cropland under the regulations governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this chapter, as amended.

(o) "Contract" means a Cost-Share Contract, Appalachian Land Stabilization and Conservation Program.

(p) "Commission" means the Appalachian Regional Commission which is composed of one Federal member (Federal Cochairman) and one member from each participating State in the Appalachian region.

(q) "Federal Cochairman" means the Federal Cochairman of the Appalachian Regional Commission.

(r) "State Cochairman" means the State Cochairman of the Appalachian Regional Commission as elected by the State members of the Commission from among their number.

§ 755.2 Purposes and objectives.

The general purposes and objectives of the Appalachian Land Stabilization and Conservation Program are to promote economic growth of the Region and to promote the conservation and development of the Region's soil and water resources. This program is a long-term program designed to carry out the policy of the Act by assisting landowners, operators, or occupiers through contracts providing for land stabilization, erosion and sediment control, reclamation through changes in land use, and the establishment of practices and measures for the conservation and development of the Region's soil, water, woodland, wildlife, and recreation resources.

§ 755.3 Geographical applicability.

The Appalachian Land Stabilization and Conservation Program will be limited to the States and counties designated as part of the Appalachian Region as defined in § 755.1 of the regulations of this part, and then only in counties or areas specifically approved in the State program developed hereunder.

§ 755.4 General.

(a) The Appalachian Land Stabilization and Conservation Program will be administered in the field by State and county committees under the general direction and supervision of the Administrator. Members of county committees are hereby authorized to sign contracts on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto.

(b) Landowners, operators, and occupiers desiring to share in the accomplishment of the purposes and objectives of the program will be given an opportunity to participate in the program in accordance with the provisions of the program as set forth in this subpart. An applicant, as a part of his application for assistance, will file an acceptable conservation and development plan for the acreage to be included in his contract, and the measures specified in the plan must be carried out irrespective of whether cost-sharing is offered. The county committee will determine the practices and extent of such practices to be approved for cost-sharing to assist the applicant in carrying out his acceptable plan. A contract shall be entered into setting forth the extent of the approved assistance. An acceptable conservation and development plan will be a plan developed for the land proposed to be placed under contract, on a form prescribed by the Administrator, with technical planning assistance by tech-

nicians of the Soil Conservation Service, except in cases where the proposed treatment involves only a single practice of pasture renovation or timber stand improvement or conversion of less than 10 acres of land to grass or trees and such use does not involve critical areas or unusual costs and the conservation and development plan is acceptable to the county committee. In approving contracts, the county ASC committees shall give preference to needy landowners, operators, and occupiers.

(c) Detailed information concerning the program as it applies to an individual farm may be obtained from the county ASCS office for the county in which the farm is located or from the State ASCS office.

§ 755.5 State programs.

(a) The State program shall be developed by the State or a political subdivision thereof in accordance with the regulations contained in this subpart. The Agricultural Stabilization and Conservation Service and other applicable agencies of the Department of Agriculture shall cooperate with the State governmental officials in the development of the program. The chairman of the State committee as the chairman of the State Agricultural Conservation Program Development Group shall be the point of contact with the State governmental officials. The State Agricultural Conservation Program Development Group, which consists of the State ASC Committee (including the State Director of Extension), the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction over farm forestry in the State, shall consult with organizations and agencies within the State that have conservation interests and responsibilities. Upon request of the Governor of the State, a person selected as a direct representative of the Governor may be designated by the Secretary as an additional member of the ACP Development Group with equal authority with other members of the Group in the development of the State program.

(b) The State program shall include the following provisions: (1) Identification of program objectives and areas in the State where the program will be applicable: (2) the designation of practices for which cost-share assistance is requested for each designated area, including specifications for each proposed practice; and (3) the proposed cost-share rates for each practice.

(c) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications. For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where appropriate, liming fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations and inoculation, and other steps essential to the successful establishment or improvement of the vegetative cover. For mechanical or construction type practices, the specifications shall include, where appropriate, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice. Practice specifications may provide minimum performance requirements which will qualify the practice for cost-sharing and maximum limits of performance which will be eligible for cost-sharing. For practices which authorize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum applications and maximum applications on which cost-sharing is authorized shall be determined on the basis of a current soil test: *Provided, however*, That if available facilities are not adequate to permit the desired use of soil tests under the program, an alternative basis for determination by the county committee of such application shall be authorized to the extent necessary.

(d) The following practices and uses are authorized:

(1) Establishment of permanent sod waterways to dispose of excess water without causing erosion.

(2) Establishment of a permanent vegetative cover for soil protection or as a needed land use adjustment.

(3) Constructing terraces to detain or control the flow of water and check soil erosion.

(4) Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.

(5) Constructing erosion control, detention, or sediment retention dams, pits, or ponds to prevent or heal gullying or to retard or reduce runoff of water.

(6) Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

(7) Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

(8) Establishment of a stand of trees or shrubs to prevent erosion.

(9) Establishment of a stand of forest trees or shrubs on farmland for purposes other than the prevention of erosion.

(10) Improvement of a stand of forest trees.

(11) Establishment of contour stripcropping to protect soil from erosion.

(12) Constructing or sealing dams, pits, or ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

(13) Developing springs or seeps for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

(14) Controlling competitive shrubs to permit growth of adequate desirable vegetative cover.

(15) Improvement of an established vegetative cover for soil or watershed protection.

(16) Treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.

(17) Construction of water facilities for wildlife habitat or protection.

(18) Establishment of vegetative cover to provide habitat, food, or shelter for wildlife.

(19) Conservation practices to develop recreation resources—establishment of picnic and sports area; establishment of camping and nature recreation areas; establishment of hunting and shooting preserve area; establishment of fishing area; establishment of summer water sports area; establishment of winter sports area.

(20) Other practices not covered above which are determined to be needed to accomplish the purpose of the program.

(e) The Soil Conservation Service shall have the same technical responsibility for Appalachian Land Stabilization and Conservation Program practices as it has for the same or similar Agricultural Conservation Program Practices including applicable components of approved recreation practices. The Forest Service is responsible for the technical phases of forestry practices.

(f) Each proposed State program shall be submitted to the Commission by the member thereof representing such State. The estimated amount of funds needed to accomplish the objectives of such program shall be stated in the submission of the proposed program to the Commission. If approved by the Commission, the proposed State program shall be submitted to the Secretary by the Federal Cochairman. Responsibility is assigned to the Conservation and Land Use Division, ASCS, for review and recommendation for approval or disapproval by the Secretary.

(g) Copies of bulletins setting forth the State program as approved by the Secretary shall be available in the office of the county committee.

§ 755.6 Cost-share contract.

(a) *Filing requests.* (1) Landowners, operators, or occupiers in eligible counties shall be furnished information with respect to the program and afforded an opportunity to request a cost-share contract covering those practices which would accomplish the objectives of the program on the farm.

(2) The request shall be on a form and in accordance with instructions prescribed by the Administrator.

(b) *Entering into a contract.* (1) The county committee is authorized to approve the contract on behalf of the Secretary.

(2) The contract must be signed by the owner of the land on which cost-share payments are provided under the contract and by the operator of the farm. The contract shall also be signed by any occupiers who will share in payments in one or more years of the contract period.

(3) There shall be only one contract for a farm.

(4) The final date for signing the contract shall be the date announced by the Administrator.

(c) *Contract period.* (1) The period to be covered by a contract shall be not less than 3 years or longer than 10 years as agreed to by the contract signers and the county committee.

(2) The first year of the contract period shall begin on the date of the approval of the contract and shall end on December 31 of such year. Each subsequent year of the contract period shall be on a calendar year basis.

§ 755.7 Cost-share payments.

(a) Subject to the conditions and limitations in this subpart, cost-sharing may be authorized for practices needed during the period of the contract to conserve and develop soil, water, woodland, wildlife, and recreation resources. Payment of the cost-shares shall be made only upon application submitted on a form prescribed by the Administrator. Practices required to be established under the contract which are started after a request for a contract is filed shall be considered as started during the contract period.

(b) Cost-share rates shall not exceed 80 per centum of the average cost of carrying out the land treatment measures or such lower rate as the county committee determines will accomplish the objectives of the program. As a further limitation, cost-sharing may not be authorized in excess of $50 per acre unless a representative of the State committee approves an amount in excess of this per acre limit on the basis that the income potential and benefits derived by expenditure of the additional money warrant the higher limit.

(c) Cost-sharing shall not be approved for more than 50 acres per farm.

(d) The total acreage with respect to which any landowner, operator, or occupier receives cost-sharing payments shall not exceed 50 acres under all contracts in which he has an interest.

(e) Cost-sharing for the practices or components thereof contained in the approved State program is conditioned upon the establishment, maintenance, and performance of the practices for the contract period in accordance with all applicable specifications and program provisions. The county committee shall specify on the practice approval the date by which the practice must be completed. Subject to the availability of funds, cost-sharing may be authorized for the restoration or replacement of any needed conservation measure if during the contract period the original conservation use is destroyed or rendered unsuitable through no fault of the contract signers.

(f) In addition to the provisions contained in this subpart, cost-sharing payments shall also be subject to the following regulations of the Agricultural Conservation Program (7 CFR 701.1–701.93, as amended): § 701.24 *Failure to met minimum requirements,* § 701.25 *Conservation materials and services,* § 701.26 *Practices carried out with aid for ineligible persons,* § 701.27 *Division of Federal cost-share,* § 701.33 *Compliance with regulatory measures,* § 701.36 *Depriving others of Federal cost-sharing,* §701.38 *Misuse of purchase orders,* § 701.39 *Federal cost-shares not subject to claims,* and § 701.40 *Assignments.* The Agricultural Conservation Program regulations referred to above shall mean the Agricultural Conservation Program regulations applicable to the year in which the contract is approved.

(g) Cost-share payments shall not be made under the program with respect to land owned by the Federal Government, a State, or a political subdivision thereof.

§ 755.8 Modification of contract.

(a) If the farm is reconstituted in accordance with the regulations governing reconstitution of farms (7 CFR Part 719, as amended), because of purchase, sale, change of operation, or otherwise, the contract shall be modified with respect to any resulting farm containing all or any part of the acreage covered by the original contract. Such modified contract or contracts shall reflect the changes in the number of acres in any resulting farm, the acreage covered by the contract, interested persons, and practices called for under the original contract. If persons who were not signatories to the original contract are eligible and required to sign such modified contract or contracts but are not willing to become parties to the modified contract or for any other reason a modified contract is not entered into, cost-share payments for practices which have not been carried out shall be forfeited with respect to acreage not continued in the program. In addition, with respect to acreage not continued in the program, cost-share payments paid for practices (or components thereof) which have been carried out shall be refunded by the owner of such acreage prior to reconstitution unless the county committee with the approval of the State committee determines that the failure to carry out all of the practices called for by the original contract will not impair the practices which have been carried out and the completed practices will provide conservation benefits consistent with the cost-shares which have been paid. Notwithstanding the foregoing, if control of land was lost through eminent domain proceedings or to an agency having the right of eminent domain, any cost-share payments paid under the contract with respect to such land are not required to be refunded.

(b) Except in cases in which the farm is reconstituted, if the ownership or operation of the farm changes in such a manner that the contract no longer contains the signatures of persons required to sign the contract as provided in § 755.6, the contract shall be modified to reflect the new interested persons. If such persons are not willing to become parties to the modified contract, or for any other reason a modified contract is not entered into, cost-share payments shall be forfeited and refunded in accordance with the rules provided in paragraph (a) of this section.

(c) Upon request of the contract signers and approval of the county committee, a contract may be modified to change or add practices, or to make other changes which are consistent with this subpart, the State program, and the conservation and development plan.

(d) Upon request of the contract signers, a contract which would otherwise be in a noncompliance status at the end of the contract period under the provisions of § 755.10(a) of these regulations may be modified to extend the contract period not to exceed a total period of 10 years if the county committee determines that failure to establish the practices specified in the contract was not the result of the fault or negligence of the contract signers.

§ 755.9 Termination of contracts.

The Deputy Administrator may consent to the termination of a contract in cases where the parties to the contract are unable to comply with the terms of the contract due to conditions beyond their control, in cases where compliance with the terms of the contract would work a severe hardship on the parties to the contract, or in cases where termination of the contract would be in the public interest, provided the parties to the contract refund such part of the cost-share payments made under the contract as the Deputy Administrator determines appropriate.

§ 755.10 Noncompliance.

(a) Failure to establish the practices specified in the contract within the time specified by the county committee shall be a violation of the contract and all payments under the contract shall be forfeited and refunded.

(b) Failure to maintain a practice for the period of the contract in accordance with good farming practices shall be a violation of the contract and any payment made in connection with such practice shall be refunded unless the practice is restored within the time prescribed by the county committee.

(c) If the county committee finds that any person has adopted or participated in any practice which tends to defeat the purposes of the program, it may withhold, or require to be refunded, all or any part of cost-share payments paid or payable under the program. It shall be considered a practice defeating the purposes of the program if the contract signers do not make available for public use a recreation resource development for which costs are shared. The regulations governing nondiscrimination in federally assisted programs of the Department of Agriculture, Part 15 of this title, shall be applicable to this program.

§ 755.11 Signatures.

Signatures to contracts and related forms shall be in conformity with the instructions on signatures and authorizations applicable to the Agricultural Conservation Program.

§ 755.12 Filing of false claims.

The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render the person liable, aside from any additional liability under criminal and civil frauds statutes, for a

refund of the payments received by him with respect to which the fraudulent representation was made.

§ 755.13 Delegation of authority.

No delegation in this subpart to a State or county committee shall preclude the Administrator, or his designee, from determining any question arising under the program or reversing or modifying any determinations made by a State or county committee.

§ 755.14 Reporting performance.

The operator of the farm, in accordance with instructions issued by the Deputy Administrator, shall report to the county committee on Form ACP-245 the extent of compliance with the terms of the contract.

§ 755.15 Handling exceptional cases.

The Deputy Administrator may allow payment for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the case. Such action may be taken only where the person acted in good faith and in reasonable reliance on any instruction or commitment of any member, or employee of the State or county committee or representatives of other Federal agencies assigned responsibility under the program, in meeting his obligations under the contract and in so doing reasonably accomplished the purposes of the contract. The amount of the payment shall be based on the actual performance and shall not exceed the amount to which the person would have been entitled if the performance rendered had met all requirements.

§ 755.16 Access to farms and to farm records.

County committeemen or their authorized representatives, or any authorized representative of the Secretary of Agriculture, shall have such access to farms and to records pertaining thereto as is necessary to make acreage determinations and to determine the extent of compliance with the terms of the contract.

§ 755.17 Preservation of cropland, crop acreage and allotment history.

The cropland, crop acreage, and allotment history applicable to the designated acreage shall be preserved, for any Federal program under which such history is used as a basis for an allotment or other limitation on the production of such crop, for the period covered by the contract and an equal period thereafter so long as the approved practice is maintained on the land.

§ 755.18 Appeals.

Any person may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this Chapter (29 F.R. 8200), as amended.

§ 755.19 Availability of funds.

The provisions of this program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the payments provided for in this subpart are contingent upon such appropriations as the Congress has or may hereafter provide for such purpose, and the amount of such payments must necessarily be within the limits finally determined by such appropriations.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by, and subsequent reporting and recordkeeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Date of signature.

Signed at Washington, D.C., on July 2, 1965.

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

[F.R. Doc. 65-7230; Filed, July 8, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Reg., 1965-Crop Oats Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965 Crop Oats Loan and Purchase Program

AVAILABILITY AND DISBURSEMENT

The regulations issued by the Commodity Credit Corporation and published in 30 F.R. 3195 which contain specific requirements with respect to price support loan and purchase operations for the 1965 crop of oats are amended as follows:

Section 1421.2641 is amended to change the final date for filing applications for price support in States in which loans have April 30, 1966, as their maturity date from January 31, 1966, to March 31, 1966, and to revise the wording of the section to read as follows:

§ 1421.2641 Availability and disbursement.

Producers desiring to participate in this program must file an application for price support not later than January 31, 1966, in States in which loans have a maturity date of February 28, 1966, and not later than March 31, 1966, in States in which loans have a maturity date of April 30, 1966. Loans shall be available through January 31, 1966, in States in which loans have a maturity date of February 28, 1966, and through March 31, 1966, in States in which loans have a maturity date of April 30, 1966. (For loan maturity dates, see § 1421.2648.)

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 2, 1965.

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

[F.R. Doc. 65-7231; Filed, July 8, 1965; 8:49 a.m.]

PART 1427—COTTON

Subpart—1965-Crop Supplement to Cotton Loan Program Regulations

Correction

In F.R. Doc. 65-6807, appearing at page 8451 of the issue for Friday, July 2, 1965, the following corrections are made:

1. In the tabular matter of § 1427.1501, the entry for Grade of Yellow Stained, SM, staple length $3\frac{1}{32}$, should read "755" instead of "775".

2. In the tabular matter of § 1427.1502:

a. The entry following Columbia, Miss., should read "Columbus" instead of "Do".

b. The entries in the figure column for Tarboro and for Wake Forest, N.C., each should read "29.46".

c. The entry in the figure column for Blackville, S.C., should read "29.46" instead of "29.42".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service, Meat Inspection, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 316—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 317—LABELING

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Miscellaneous Amendments

On January 27, 1965, there was published in the FEDERAL REGISTER (30 F.R. 844) a notice of proposed amendments to Parts 316, 317, and 318 of the Federal Meat Inspection Regulations (9 CFR Parts 316, 317, and 318) to allow use of isolated soy protein in sausage and certain other meat food products. Isolated soy protein—a product of advancing food technology—is the major proteinaceous fraction of soybeans prepared from high quality, sound, clean, dehulled soybeans by removing a preponderance of the nonprotein components and contains not less than 90 percent protein (N x 6.25) on a moisture-free basis.

The purposes of these amendments are to provide consumers with a broader selection of sausage and certain other meat products by including isolated soy protein in the lists of food materials that are authorized for limited use in sausage and certain other meat food products under the Meat Inspection Act, and to require that isolated soy protein used in these products processed in official establishments contain a specified amount of titanium incorporated as food grade titanium dioxide for analytical control purposes.

After due consideration of all relevant matters in connection with such notice and under authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71-91) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), §§ 316.13, 317.8, and 318.4 of said regulations are amended as follows:

1. Section 316.13(c)(1) is amended to read:

§ 316.13 Marking of meat food products in casings.

* * * * *

(c)(1) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed under Part 317 of this subchapter, the product shall be marked with the name of each of such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soy flour added," "soy protein concentrate added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added" or "cereal and nonfat dry milk added," as the case may be. On sausage of the smaller varieties, the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

* * * * *

2. Section 317.8(c) (16), (27), and (32), and the eighth sentence of § 317.8 (c)(40), and § 317.8(c)(48), are amended to read as follows:

§ 317.8 False or deceptive labeling and practices.

* * * * *

(16) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed under this part, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "cereal added," "with cereal," "potato flour added," "cereal and potato flour added," "soy flour added," "soy protein concentrate added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added," or "cereal and nonfat dry milk added," as the case may be.

* * * * *

(27) Product labeled "Chili Con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

* * * * *

(32) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products, shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent, singly or collectively, of farinaceous material, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, and similar substances.

* * * * *

(40) * * * Sausage may contain not more than 3½ percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, or dried milk"; and by adding immediately after such sentence a new sentence reading as follows: "In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually or collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph. * * *

* * * * *

(48) Products labeled "Pork With Barbecue Sauce" and "Beef With Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk or similar substances are used in preparing the products, such fact shall be prominently stated contiguous to the name of the product.

3. Section 317.8(c)(66) is amended by changing the first sentence to read: "Cheesefurters and similar products made in simulation of sausage in casings but containing sufficient cheese to give definite characteristics to the finished article may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, or dried milk."; and by adding immediately after the second sentence a new sentence reading as follows: "In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually or collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph."

4. Section 318.4 is amended by adding thereto a new paragraph (d) to read:

§ 318.4 Products and chemical preparations entering official establishments; identification; disposition; shipping in commerce.

* * * * *

(d) All isolated soy protein used in products processed in official establishments must contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein.

The foregoing amendments differ in some respects from the proposals set forth in the notice of proposed rule making. These differences merely reflect minor editorial changes and do not affect the substance of the amendments. Furthermore, since these amendments authorize the use of isolated soy protein in certain meat food products in which its use was previously not permitted, they are in the nature of amendments relieving restrictions and should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further public rule-making procedure on these amendments is unnecessary and that they may be made effective in less than 30 days.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1965.

R. K. SOMERS,
Acting Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 65-7232; Filed, July 8, 1965; 8:49 a.m.]

PART 316—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Miscellaneous Amendments

On January 30, 1965, there was published in the FEDERAL REGISTER (30 F.R. 998) notice of a proposal to amend Parts 316 and 318 of the Federal Meat Inspection Regulations (9 CFR Parts 316 and 318) to permit the use of certain antioxidants in the preparation of frozen fresh pork sausage and freeze-dried meats under the Meat Inspection Act.

Interested persons were afforded 60 days to furnish views and comments. It was suggested by interested persons that Nordihydroguaiaretic acid (NDGA) be included as an antioxidant permitted to be used in these products, that citric acid be included as a synergist, and that in the case of freeze-dried meats, the level of antioxidant accepted not be based solely on the fat content since the phospholipids in the lean are also protected. Since these suggestions are incorporated in the amendments and a minor editorial change was made from the proposed amendments for the sake of clarity, the amendments differ in some respects from the original proposals. However, adoption of the above suggestions in the amendments does not represent a change in principle from the original proposal, and it appears that further public rule making procedure on the amendments would not make additional information available to this Department. Therefore, under section 4 of the Administrative Procedure Act, it

is found that further notice and public rule making procedure on the amendments are unnecessary.

After due consideration of all relevant matters in connection with the notice of proposed rule making and under the authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), and subsections 306(b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), Parts 316 and 318 of the Meat Inspection Regulations are hereby amended as follows:

§ 316.13 [Amended]

1. Paragraph (e) of § 316.13 is amended by adding after the words "unsmoked dried sausage" the words "or frozen fresh pork sausage."

§ 318.7 [Amended]

2. The table in subparagraph (4) of paragraph (b) of § 318.7 is hereby amended to permit the use of BHA (butylated hydroxyanisole), BHT (butylated hydroxytoluene), propyl gallate, or NDGA (nordihydroguaiaretic acid) or a combination of these antioxidants, with or without citric acid, in frozen fresh pork sausage and freeze-dried meats in the amounts specified in the table, as follows:

(1) In the portion of the chart dealing with "Antioxidants" (Class of Substance), the following information on BHA, BHT, propyl gallate, and NDGA is inserted in the appropriate columns immediately following "tocopherols" and information relating thereto.

Substance	Purpose	Products	Amount	
BHA (butylated hydroxyanisole).	To retard rancidity	Frozen fresh pork sausage.	0.01 percent based on fat content.	0.02 percent in combination based on fat content.
BHT (butylated hydroxytoluene).	do	do	0.01 percent based on fat content.	
Propyl gallate	do	do	0.01 percent based on fat content.	
Nordihydroguaiaretic acid (NDGA).	do	do	0.01 percent based on fat content.	
BHA (butylated hydroxyanisole).	do	Freeze dried meats	0.01 percent based on total weight.	0.01 percent in combination.
BHT (butylated hydroxytoluene).	do	do	0.01 percent based on total weight.	
Propyl gallate	do	do	0.01 percent based on total weight.	
Nordihydroguaiaretic acid (NDGA).	do	do	0.01 percent based on total weight.	

(2) In the portion of the chart dealing with Synergists (class of substance), there is inserted in the appropriate columns further information relating to citric acid.

Substance	Purpose	Products	Amount
Citric acid	To increase effectiveness of antioxidants.	Frozen fresh pork sausage.	0.01 percent on basis of fat content, in combination with antioxidants.
		Freeze dried meats	0.01 percent in combination with antioxidants.

(Sec. 306, 46 Stat. 689, as amended; 34 Stat. 1264, 41 Stat. 241; 19 U.S.C. 1306; 21 U.S.C. 89, 96; 29 F.R. 16210, as amended)

These amendments will become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1965.

R. K. SOMERS,
Acting Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 65-7233; Filed, July 8, 1965; 8:49 a.m.]

PART 316—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

Amendment of Regulations

Pursuant to the authority contained in the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306), and the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends Parts 316 and 340, Title 9, Code of Federal Regulations, as follows:

1. Section 316.16 of Part 316 is amended to read as follows:

§ 316.16 Tank cars and tank trucks used in transporting edible product.

(a) Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the true name of the product, the inspection legend, the establishment number, and the words "date of loading," followed by a suitable space for the insertion of the date. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

(b) Tank cars and tank trucks carrying inspected and passed product from an official establishment to another official establishment or to a location operating under the Identification Service furnished under Part 340 of this subchapter shall be equipped for sealing and securely sealed by a Division employee with an official seal of the Department bearing the inspection legend.

2. Paragraph (a) of § 340.3 of Part 340 is amended by adding thereto a new subparagraph (4) to read as follows:

§ 340.3 Types and availability of service.

* * * * *

(a) *Identification service.* * * *

(4) The service will be available for products moved in tank cars and tank trucks from an official establishment or from a location operating under this service only if such tank cars or tank trucks are equipped for sealing and are securely sealed by an employee of the Meat Inspection Division of the Consumer and Marketing Service with an official seal of the Department bearing the inspection legend before leaving such official establishment or such other location.

* * * * *

(Sec. 306, 46 Stat. 689, as amended; 34 Stat. 1264; 41 Stat. 241; secs. 203, 205, 60 Stat. 1087, 1090, as amended; 19 U.S.C. 1306(b) and (c); 21 U.S.C. 89 and 96; 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective 10 days after publication in the FEDERAL REGISTER.

The Meat Inspection Division has reason to believe that the present regulation (7 CFR 316.16) requiring labeling only, for each tank car and tank truck transporting inspected and passed product from an official establishment, does not adequately insure that such product will not be adulterated or that other product will not be substituted therefor en route to destination. Accordingly, the amendment of § 316.16 imposes an additional requirement that such tank cars and tank trucks must be sealed with an official seal of the Department if the product is transported from one official establishment to another such establishment or to a location where identification service is maintained under the supervision of the Division. Further, the regulations under which identification service is furnished are amended by making such service available with respect to product moved in tank cars or tank trucks from an official establishment or from a location operating under such service only if such cars or trucks are sealed before leaving such establishment or location. Inasmuch as these amendments are necessary to afford additional safeguards to maintain the integrity of products which are federally inspected or identified, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1965.

R. K. SOMERS,
Acting Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65-7234; Filed, July 8, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-SW-127]

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

Alteration of Control Zones, Designation and Alteration of Transition Areas and Revocation of Control Area Extensions

On February 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1055) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Alexandria, La., terminal area. On March 30, 1965, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4140) proposing a 700-foot-floor transition area to encompass Polk AAF for the protection of IFR operations conducted during the hours when the Fort Polk, La., part-time control zone would not be effective.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Air Transport Association of America recommended that an intersection be established to the north of the Esler VOR for a straight-in approach to Runway 14 at Esler Field. This required an additional control zone extension which was proposed in the supplemental notice of proposed rule making. All comments received in response to the notice as modified by the supplemental notice were favorable.

A requirement no longer exists for the retention of the Shreveport, La., and Corpus Christi, Tex., control area extensions; although not proposed in the notice, action is taken herein to revoke them. Since the revocation of these control area extensions imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17582), the Alexandria, La. (England AFB) control zone is amended to read as follows:

ALEXANDRIA, LA. (ENGLAND AFB)

That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials extending from the 5-mile radius zone to 2.5 miles SE of the VORTAC; within 2 miles each side of the 329° radial of the Alexandria VORTAC, extending from the 5-mile radius zone to 14 miles NW of the VORTAC; within 2 miles each side of the England AFB TACAN 150° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the England AFB TACAN 317° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles NW of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles N of the airport; and within 2 miles each side of the extended centerline of Runway 36 extending from the 5-mile radius zone to 6.5 miles S of the airport.

2. In § 71.171 (29 F.R. 17582), the Alexandria, La. (Esler Field) control zone is amended to read as follows:

ALEXANDRIA, LA. (ESLER FIELD)

That airspace within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.); within 2 miles each side of the Esler Field VOR 358° radial, extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Esler Field VOR 358° radial, extending from the 5-mile radius zone to 6 miles N of the VOR.

3. In § 71.171 (29 F.R. 17600), the Fort Polk, La., control zone is amended to read as follows:

FORT POLK, LA.

That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

4. In § 71.165 (29 F.R. 17557), the Alexandria, La., control area extension is revoked.

5. In § 71.165 (29 F.R. 17577), the Shreveport, La., control area extension is revoked.

6. In § 71.165 (29 F.R. 17562), the Corpus Christi, Tex., control area extension is revoked.

7. In § 71.181 (29 F.R. 17643), the following transition area is added:

ALEXANDRIA, LA.

That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within a 7-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.); within 2 miles each side of the 151° bearing from the Alexandria RBN, extending from the England AFB 16-mile radius area to 12 miles SE of the RBN; within 2 miles each side of the Alexandria VORTAC 151° radial, extending from the England AFB 16-mile radius area to 12 miles SE of the VORTAC; within 2 miles each side of the Esler VOR 155° radial, extending from the Esler Field 7-mile radius area to 19 miles SE of the airport; within 2 miles each side of the Esler VOR 338° radial, extending from the VOR to 8 miles NW; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 31°26'00" N., longitude 93°17'00" W., to latitude 31°49'00" N., longitude 92°51'30" W.; to latitude 32°10'00" N., longitude 92°20'00" W.; to latitude 32°05'00" N., longitude 91°57'00" W.; to latitude 32°05'00" N., longitude 91°28'00" W.; to latitude 31°04'00" N., longitude 91°29'20" W.; to latitude 30°53'40" N., longitude 91°29'10" W.; to latitude 30°46'20" N., longitude 91°50'40" W.; to latitude 30°32'00" N., longitude 92°15'00" W.; to latitude 30°24'00" N., longitude 92°26'00" W.; to latitude 30°32'00" N., longitude 92°50'00" W.; to latitude 30°56'00" N., longitude 93°33'00" W.; to latitude 31°17'00" N., longitude 93°37'00" W.; to point of beginning; excluding the portion within the Natchez, Miss., transition area.

8. In § 71.171 (29 F.R. 17664), the Fort Polk, La., transition area is amended to read as follows:

FORT POLK, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

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

Issued in Fort Worth, Tex., on June 29, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-7172; Filed, July 8, 1965; 8:46 a.m.]

[Docket No. 6757]

PART 163—CANTON ISLAND AIRPORT

Deletion

The purpose of this amendment to the Federal Aviation Regulations is to delete Part 163—Canton Island Airport.

Part 163 prescribed landing and parking charges at Canton Island Airport, and utility, medical, and hospital charges for users of facilities on Canton Island. By the end of the day of June 30, 1965, the FAA ceased its operations at Canton Island, and transferred accountability and control of property in FAA custody to the National Aeronautics and Space Administration (NASA). Beginning July 1, 1965, NASA operates the Canton Island Airport, and provides services on Canton Island. As a result, Part 163 ceased to be effective at 12:00 p.m. on June 30, 1965.

Since this amendment merely deletes obsolete regulatory material, compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act is not required.

In consideration of the foregoing, Part 163 of Chapter I of Title 14 of the Code of Federal Regulations is deleted.

(Sec. 313(a), Federal Aviation Act of 1958; 49 U.S.C. 1354(a))

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

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 65-7173; Filed, July 8, 1965; 8:46 a.m.]