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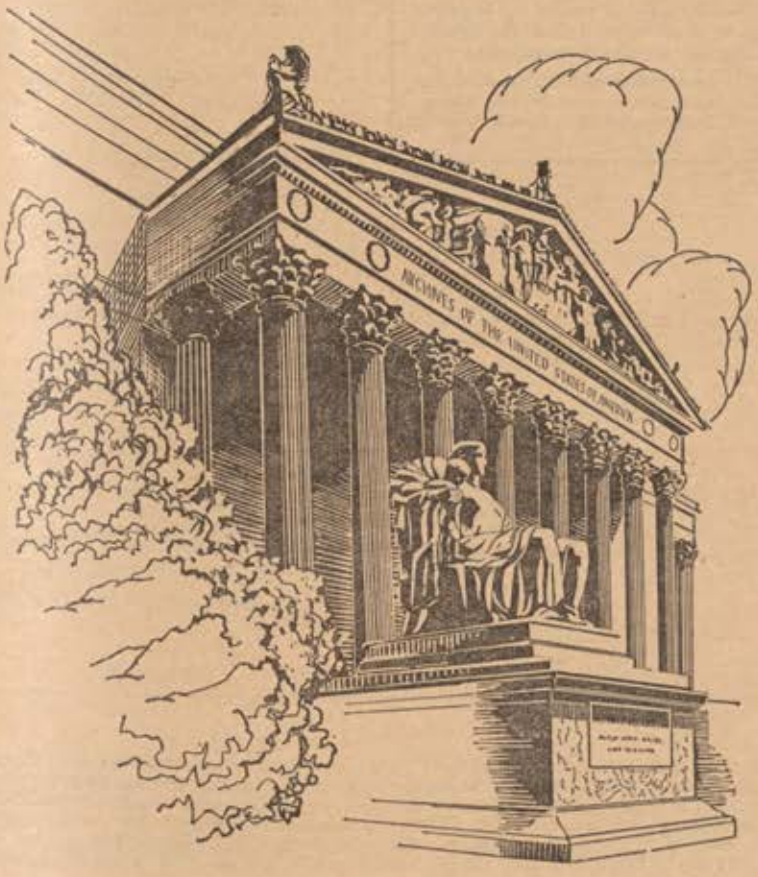

FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113(e) is amended to show the exception under Schedule A of temporary positions in State and county offices of the Farmers Home Administration concerned in the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (e) of § 213.3113 as set out below.

§ 213.3113 Department of Agriculture.

* * * * *

(e) *Farmers Home Administration.*

* * *

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed one year unless extended with prior Commission approval for not to exceed one additional year.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 65-516; Filed, Jan. 15, 1965; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.4]

PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

Farm Ownership, Labor Housing, and Soil and Water Loans Made by Lenders Other Than the United States to Applicants Other Than Public Bodies

Section 310.3, Title 6, Code of Federal Regulations (29 F.R. 9819), is revised to prescribe a 3 year fixed period and a rate of return to the lender of 4½ percent, and to read as follows:

§ 310.3 Farm Ownership, Labor Housing, and Soil and Water loans made by lenders other than the United States to applicants other than public bodies.

Farm Ownership, Labor Housing, and Soil and Water loans made with funds advanced by lenders other than the United States to applicants other than organizations which are public bodies will be insured at the time of loan closing. The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. The interest rate to the lender will be 4½ percent with a 3-year repurchase agreement.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308; 42 U.S.C. 1484, 7 U.S.C. 1927, 1928)

This order is effective as of January 11, 1965.

Dated: January 12, 1965.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 65-436; Filed, Jan. 15, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 73]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1965 crop year in the following respects:

§ 401.3 [Amended]

1. The table following paragraph (a) of § 401.3 of this chapter is amended, effective beginning with the 1965 crop year, for sugar beets by inserting the following immediately below that portion of the table showing a closing date for soybeans:

SUGAR BEETS	
Minnesota, Montana, and North Dakota	April 15
All other States	March 15

2. The following section is added:

§ 401.43 The sugar beet endorsement.

The provisions of the sugar beet endorsement for the 1965 and succeeding crop years are as follows:

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production within the insurance period due to wildlife, insect infestation, plant disease, earthquake, drought (except where insurance is provided on irrigated acreage under section 22 of the policy), flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, hurricane, tornado, and any other unavoidable cause of loss due to adverse weather conditions, subject however, to any exceptions, exclusions, or limitations with respect to such causes of loss that are set forth in the county actuarial table (hereinafter called the "actuarial table").

2. *Insured crop.* The insured crop shall be sugar beets grown on acreage under a contract of, or for, sale with a processor executed by the time the acreage to be insured is reported. Insurance shall not be considered to have attached on any acreage of sugar beets excluded from such contract for, or during, the crop year or planted to sugar beets for the two preceding crop years.

3. *Premium rates, production guarantee and price for computing indemnities.* (a) The provisions of section 3 of the policy shall not be applicable under this endorsement. For each crop year of the contract the premium rates and the price for computing indemnities shall be established by the Corporation and shown on the actuarial table.

(b) The production guarantees per acre are progressive as follows: (1) First Stage—any acreage not thinned, (2) Second Stage—after acreage is thinned and through July 1, (3) Third Stage—after July 1 until harvested, or (4) Fourth Stage—acreage harvested. For any insured acreage for a crop year the production guarantee for each of the four stages shall be the percent as shown on the actuarial table of the normal yield (Cwt. of commercially recoverable sugar) established for such acreage for such crop year in accordance with the regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended.

(c) At the time the application for insurance is made the applicant shall elect a price for computing indemnities from among those shown on the actuarial table. If any applicant, or insured, has not elected such a price, or has elected a price not shown on the actuarial table for the crop year, the price election which shall be applicable under the contract, and which the insured is deemed to have elected, shall be the price provided on the actuarial table for such purposes.

For any crop year, any insured may change the price which was in effect for a prior crop year and make a new election by notifying the county office in writing of such election before contracts are terminated for indebtedness for the crop year for which the election is to become effective.

(d) Notwithstanding the provisions of section 9(a) of the policy, any acreage on which the sugar beet crop is damaged, as determined by the Corporation, to the extent that the acreage is considered as bona fide abandoned acreage under the Sugar Act of 1948, as amended, and under the regulations issued by the United States Department of Agriculture pursuant thereto, or to the extent that growers generally in the area would not further care for the crop shall be deemed to have been destroyed at the time of such damage even though the sugar beet crop is further cared for by the insured. The production guarantee applicable to any acreage

shall be that established for the stage in which such destruction occurs, as determined by the Corporation.

4. *Insurance period.* Insurance on any insured acreage shall attach at the time the sugar beets are planted and shall cease upon harvesting, but in no event shall insurance remain in effect later than the applicable date set forth below of the calendar year in which the sugar beets are normally harvested.

Minnesota, Montana, and North Dakota	Oct. 31
All other States	Nov. 15

5. *Notice of loss or substantial damage.* In lieu of section 8 of the policy, the following shall apply: (a) If, during the growing season, the insured crop on any insurance unit (hereinafter called "unit") is substantially damaged or the insured wants the consent of the Corporation to abandon the crop or put the acreage to another use, the insured shall promptly give written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any unit the insured shall give written notice to the Corporation at the county office within 15 days after harvesting is completed on the unit or by the calendar date for the end of the insurance period, whichever is earlier.

(c) The Corporation reserves the right to reject any claim for loss if any of the requirements of this section are not met if it determines that it has been prejudiced by such failure.

6. *Claims for loss.* In lieu of subsections 11(a) and 11(c) of the policy, the following shall apply: Losses shall be determined separately for each unit. Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 30 days after the amount of loss has been determined by the Corporation. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sugar beets on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production, to be counted for the unit, (3) multiplying this result by the applicable price for computing indemnities: *Provided*, That if for the unit the insured fails to report all of his interest or insurable acreage the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 2 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation. The Corporation shall determine the hundredweight of commercially recoverable sugar by multiplying the net weight of sugar beets in tons at the time of delivery to a processor by the applicable rate of commercially recoverable sugar prescribed for the crop year under regulations issued by the United States Department of Agriculture pursuant to the Sugar Act of 1948, as amended. The commercially recoverable sugar to be counted from any appraised production shall be three hundredweight of commercially recoverable sugar for each ton of sugar beets: *Provided*, That, the total production to be counted for any acreage not eligible for the production guarantee for the fourth stage shall be the amount by which the total of any appraised production exceeds the difference between the production guarantee applicable for such acreage and the production guarantee established for the fourth stage for such acreage: *Provided, further*, That the production guarantee and the total production to be counted for any acreage of sugar beets which is abandoned or put to another use without the consent of the Corporation shall be the production guarantee for the fourth stage.

7. *Meaning of terms.* For the purpose of insurance on sugar beets the terms:

(a) "Harvest" means the lifting and topping of the sugar beets.

(b) "Insurance unit," notwithstanding section 21(g) of the policy, means the insurable acreage of sugar beets in the county in which (1) one person at the time of planting has the entire interest in the crop, or (2) the same two or more persons at the time of planting have the entire interest in the crop: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable acreage of sugar beets in the county into two or more units, taking into consideration separate and distinct farm operations.

8. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date and termination date for indebtedness are the following applicable dates immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

State	Cancellation date	Termination date for indebtedness
Minnesota, Montana, and North Dakota	Dec. 31	Apr. 15
All other states	Dec. 31	Mar. 15

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on January 11, 1965.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: January 13, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-535; Filed, Jan. 15, 1965; 8:49 a.m.]

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the regulations set forth in this part are hereby issued to be in force and effect with respect to tung nut crop insurance contracts for the 1965 and succeeding crop years until amended or superseded.

Sec.

AUTHORITY: The provisions of this subpart issued under secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.

§ 407.1 Availability of tung nut crop insurance.

Tung nut crop insurance shall be offered for the 1965 and succeeding crop years under the provisions of § 407.1 through § 407.6 in counties within limits prescribed by and in accordance with the provision of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for tung nut crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 407.2 Premium rates, production guarantees and prices for computing indemnities.

The Manager shall establish premium rates, production guarantees and prices for computing indemnities which shall be shown on the county actuarial table on file in the county office. Such premium rates, production guarantees and prices for computing indemnities may be changed from year to year.

§ 407.3 Application for insurance.

Application for insurance may be submitted, as provided in § 407.6, at the county office for the Corporation. The Corporation reserves the right to discontinue the taking of applications in any county, upon its determination that the insurance risk involved is excessive, prior to the closing date for the filing of applications. Such closing date shall be January 15, 1965, for the 1965 crop year. For each succeeding crop year for which insurance is to be in effect the closing date shall be the September 30 preceding the beginning of the crop year. The Corporation further reserves the right to reject any application, or to exclude any definitely identified acreage, for any crop year of the contract if upon inspection it deems the risk as to such acreage to be excessive: *Provided, however*, That the insured shall be notified of the exclusion of any such acreage before insurance attaches for the crop year for which the acreage is to be excluded, or prior to acceptance of the application, whichever is applicable.

§ 407.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 407.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 407.6.

§ 407.6 The application and the policy.

The provisions of the Application and Policy for Tung Nut Crop Insurance for

the 1965 and Succeeding Crop Years are as follows:

Application and Policy.
Form FCI–812—Tung Nut

UNITED STATES DEPARTMENT OF AGRICULTURE
Federal Crop Insurance Corporation

APPLICATION AND POLICY FOR TUNG NUT CROP INSURANCE

(For 19__ and succeeding crop years)

(Name of insured)	(State and county code and contract number)
(Address of insured)	(County)

1. The undersigned applicant (herein sometimes called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his interest in tung nut crops (hereinafter sometimes called "the insured crop") located in the above-identified county (hereinafter called "the county"). The applicant applies for the tung oil production guarantee established by the Corporation and shown on the county acturial table (hereinafter called "the actuarial table") and elects the price per pound for computing indemnities below, which shall be a price per pound shown on the acturial table. In counties where alternative prices per pound of tung oil are made available for election by the insured, the insured may change the price which was in effect for a prior crop year and elect a new price per pound for computing indemnities by notifying the county office in writing by September 30 preceding the crop year for which the change is to become effective. Unless the contract of insurance is canceled or terminated pursuant to the terms hereof, the price per pound for computing indemnities in effect for a crop year shall be those most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum price per pound shown on the acturial table for such crop year, except that when alternative prices per pound are not offered, or when the insured elects a price not shown on the actuarial table the price per pound for a crop year shall be the price prescribed by the Corporation.

(Price Per Pound for Computing Indemnities Elected)

—— Cents Per Pound

This application, when executed by a person as an individual, shall not cover his interest in a crop produced by a partnership or other entity.

2. *Causes of loss.* (a) *Causes insured against.* The insurance provided is against unavoidable loss resulting from freeze, frost, or hail.

(b) *Causes not insured against.* The contract shall not in any crop year cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to timely and adequately fertilize, cultivate and care for the crop in accordance with recognized good farming practices, or to any cause other than a cause specified in paragraph (a) of this section.

3. *Insured crop.* Only tung nuts grown on insurable acreage in any crop year as shown on the actuarial table (a) in which the insured had an interest on the date insurance attaches, and (b) which are grown on acreage on which the trees have reached the fifth growing season are insured. Insurance shall not attach on any insurance unit on which the insurable acreage is less than 5 acres or to any acreage of trees that are not planted in rows in plots.

4. *Responsibility of insured to report acreage and interest.* The insured at the time of filing this application shall also file on a form prescribed by the Corporation a report by ages of the trees of all the acreage of the insured crop in the county in which he has an interest and show his interest therein. Such report shall include a designation of all the acreage of tung nuts which is uninsurable under the provisions of the preceding section. This report shall be revised for any crop year before insurance attaches to reflect any changes in acreage or interest and the changes in ages of trees under 16 years of age. The latest report filed shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The ages of the trees, acreage, and interest insured shall be as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

5. *The contract.* Upon acceptance of this application by the Corporation, the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until canceled or terminated in accordance with the applicable provisions of the contract. This application and policy, and amendments thereto, if any, and the actuarial table for each crop year shall constitute the contract for tung nut insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For the 1965 crop year insurance attaches upon acceptance of the application by the Corporation, and for each succeeding crop year insurance shall attach on October 1, or upon acceptance of the application for such crop year whichever is later, and as to any insured acreage ceases upon harvest, or September 30, whichever occurs first.

7. *Annual premium.* (a) The annual premium for each unit shall be earned and payable on the date insurance attaches and shall be determined by multiplying the applicable production guarantee for the insured acreage by the applicable price per pound for computing indemnities by the premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the discount herein provided.

(b) The insured's annual premium shall be reduced 5 percent if he has had three consecutive years of insurance on the crop immediately preceding the current crop year (eliminating any year in which a premium was not earned) without a loss for which an indemnity was paid. For each such additional consecutive year of insurance on the crop without a loss for which an indemnity was paid, the insured's annual premium shall be reduced an additional 5 percent, except that the total reduction shall not exceed 25 percent. If an insured has a loss on a crop for which indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years: *Provided*, That, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any discount earned hereunder shall upon death of the insured and upon approval of the Corporation enure to the benefit of his estate, heirs, surviving spouse, or a surviving partner, who the Corporation determines were directly associated in the farming operations and management with the insured during the period in which the discount was earned.

8. *Premium note.* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

(Signature to applicant)	(Date) 19__
(Witness to signature)	

9. *Recommended for acceptance by:*

(Grove inspector)	(Date) 19__
(Corporation representative)	
(County office address)	

10. *Accepted for the corporation by:*

(State director)	(Date) 19__

11. *Life of contract.* This contract is noncancelable the first crop year and shall continue in effect for each succeeding crop year until either the insured, or Corporation, cancels the contract by giving written notice to the other by August 31, immediately preceding the crop year for which the cancellation is to become effective. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by the September 30, of the crop year in which the premium was earned.

12. *Notice of damage or loss.* (a) It shall be a condition precedent to payment of any indemnity on any insurance unit (hereinafter called "unit") hereunder that (1) the insured report each damage to the insured crop from a cause of loss insured against to the county office within seven days after frost, freeze, or hail damage giving the date, cause, and estimated extent of such damage, (2) if a loss is apparent on the unit, notice of the time of intended harvesting shall be given at least seven days before the beginning of harvest thereon, and (3) if the insured crop on a unit is harvested and an indemnity is to be claimed, notice shall be given to the county office within seven days after the potential oil content of the tung nuts based on chemical analysis is available to the insured.

(b) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met if it determines that it has been prejudiced by such failure.

13. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the amount of loss has been determined by the Corporation.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of tung nuts on the unit by the applicable production guarantee per acre which product shall be the pound guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the insured interest, and (4) multiplying the result by the applicable price per pound for computing indemnities.

The total production to be counted for any unit shall include the minimum number of pounds of recoverable oil guaranteed by the processor, based upon chemical analysis of the tung nuts delivered by the insured to the processor, and any appraisals made by the Corporation for production not delivered to a processor, poor farming practices, and uninsured causes. Such appraisals shall be made in terms of tons of tung nuts and then converted to pounds of oil on the basis of 340 pounds of oil per ton of nuts. Any appraisals made for acreage abandoned or put to another use without the consent of the Corporation shall also be included in the total production to be counted and shall be not less than the production guarantee shown on the actuarial table.

(c) If the production from a unit is commingled with the production from any other

acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may allocate the commingled production in such manner as it determines appropriate if sufficient facts are available as determined by the Corporation; otherwise the Corporation may deny liability with respect to all units involved for the crop year without affecting the insured's liability for premium.

14. *Abandonment of crop.* There shall be no abandonment of the insured crop, or portion thereof, to the Corporation.

15. *Contract changes.* After the first crop year, the Corporation reserves the right to amend or change the terms of this contract from year to year. Notice thereof shall be mailed to the insured, or made available at the county office, by the August 15 immediately preceding the beginning of the crop year for which such amendment or change is to become effective. Acceptance of the changes will be conclusive, in the absence of any notice from the insured to cancel the contract, as provided in paragraph 11, above.

16. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment, or transfer, shall be made on assignment, or transfer, forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

17. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall not exceed the interest of the insured at the time of damage, as determined by the Corporation.

18. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for any earned premium(s) if at any time the insured has concealed or misrepresented any material fact, or committed any fraudulent act against the Corporation, and such voidance shall be effective as of the beginning of the crop year which relates to the insured crop with respect to which any such act or omission occurred.

19. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

20. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity.

(b) If the insured dies, or is judicially declared incompetent, or if the insured is a partnership or other entity and is dissolved, before insurance attaches in any crop year, the contract shall terminate as of the date of death, or judicial declaration, or dissolution, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person or persons the Corporation determines to be beneficially entitled thereto.

21. *Records and access to insurance unit.* The insured shall keep or cause to be kept, for two years after the time of damage, records of the harvesting, storage, shipments, sale, or other disposition of all of the insured crop produced on each unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest. Any persons designated by the Corporation shall have access to such records and the unit involved for purposes related to the contract.

22. *Meaning of terms.* For purposes of insurance on tung nuts the terms:

(a) "County actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the county office, and which show the prices per pound for computing indemnities, applicable production guarantees, premium rates, and related information with respect to tung nut crop insurance for the crop year in the county.

(b) "County office" means the Corporation's office for the county shown in this application and policy or such office as may be designated by the Corporation from time to time.

(c) "County" ("Parish" in Louisiana) means the area shown on the actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the period beginning with the date insurance attaches and extending through the following September 30 and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means the picking of the tung nuts from the ground.

(f) "Insurance unit" means all insurable acreage of tung nuts in the county in which (1) the insured has 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership, or (2) the same two or more persons have 100 percent interest on the date insurance attaches for the crop year that is located on contiguous land under the same ownership excluding any other acreage of tung nuts in which such persons do not have 100 percent interest on such date. Land rented for cash or a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on January 11, 1965.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved: January 13, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-437; Filed, Jan. 15, 1965; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 728—WHEAT

Subpart—Farm Wheat Certificate Program for 1964 and 1965

SETOFFS AND ASSIGNMENTS

Section 728.105(b) of the regulations governing the Farm Wheat Certificate Program for 1964 and 1965, 29 F.R. 5510, as amended, is hereby amended by changing the period at the end to a comma and adding the following: "except that for 1965, the right to receive wheat marketing certificates may be assigned to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator."

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 12, 1965.

RAY FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-536; Filed, Jan. 15, 1965; 8:49 a.m.]

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

[Navel Orange Reg. 68]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Correction

In F.R. Doc. 65-357, appearing in the issue for Saturday, January 9, 1965, at page 257, the signature should read as follows: "Paul A. Nicholson, *Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*"

[Navel Orange Reg. 69]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.369 Navel Orange Regulation 69.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effec-

tuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 14, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., January 17, 1965, and ending at 12:01 a.m., P.s.t., January 24, 1965, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: 350,523 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 15, 1965.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 65–605; Filed, Jan. 15, 1965; 11:12 a.m.]

Chapter XVI—Agricultural Marketing Service (Food Stamp Program), Department of Agriculture

PART 1602—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

This part 1602 contains regulations relating to the participation of retail food stores, wholesale food concerns and banks. Part 1600—General Information and Definitions, and Part 1601—Participation of State Agencies and Eligible Households, were published in 29 F.R. 16784.

Sec.

AUTHORITY: The provisions of this Part 1602 issued under Public Law 88–525 78 Stat. 703.

§ 1602.1 Approval of retail food stores and wholesale food concerns.

(a) Food retailers or food wholesalers desiring to participate in the Program shall file an application with AMS, which application shall be in such form as AMS may prescribe.

(b) An applicant shall provide sufficient data on the nature and scope of the firm's business for AMS to determine whether such applicant's participation will effectuate the purpose of the Program. In making such determination AMS may consider: (1) The nature and the extent of the food business conducted by the applicant; (2) the volume of food stamp business which may be reasonably expected to be done by the applicant; (3) the business integrity and reputation of the applicant; and (4) such other factors as AMS finds pertinent to the application under consideration.

(c) Upon approval, AMS will issue an authorization card to the firm. Such authorization card shall be retained by the authorized firm until superseded, surrendered or revoked as provided in the regulations of this part. Coupons shall not be accepted prior to the receipt of such authorization card from AMS or after its revocation or surrender.

(d) AMS may deny the application of any firm if it determines that such firm's participation will not effectuate the purposes of the Program. If AMS determines that a firm does not qualify for participation in the Program, a notice to that effect shall be issued to the firm. Such notice shall be delivered by certified mail or personal service. If such firm is aggrieved by such action, it may seek administrative and judicial review of such action as provided in § 1602.8.

(e) AMS may, from time to time, but not more frequently than once each Federal fiscal year, require all authorized firms within a project area to submit new applications if such firms wish to continue to participate in the Program: *Provided, however,* That any individual firm may be required to submit a new application at any time AMS believes the firm's business has so changed in nature and extent that its continued participation no longer serves to effectuate the purpose of the Program. Applications received under this paragraph shall be considered by AMS under the same criteria and subject to the same rights of administrative and judicial review as provided in this section for initial applications.

(f) The filing of any application containing false information may result in the denial or withdrawal of approval to participate in the Program and may subject the firm and persons responsible to civil or criminal action under applicable provisions of law. The contents of applications or other information furnished by firms under the provisions of this section shall not be used or disclosed to anyone except for purposes directly connected with the administration and enforcement of the provisions of the Food Stamp Act of 1964 and the provisions of this part.

§ 1602.2 Participation of retail food stores.

(a) Authorized retail food stores shall post in the store the "Official Food List" issued by AMS or a notice of similar import.

(b) Coupons shall be accepted by an authorized retail food store only in exchange for eligible foods, as defined in § 1600.2(j) of this chapter. A food retailer shall not knowingly accept coupons for any imported meat or meat products and the acceptance of coupons for meat or meat products which are labeled or can be identified as imported when they are delivered to the retail food store or to a central warehouse, a distribution center or meat fabricating facility, operated by the food retailer shall be deemed to have been done with knowledge of the fact that such meat or meat products were imported. Any other food product which is clearly identified on the package as being imported shall not be exchanged for coupons. Coupons shall be accepted for eligible food items at the same prices and on the same terms and conditions applicable to cash purchases of the same foods at the same store: *Provided, however,* That nothing in the regulations of this part shall be construed as authorizing AMS to specify the prices at which food may be sold by retail food stores.

(c) No retail food store authorized to receive coupons shall accept coupons marked "paid" or "cancelled", coupons marked with the name or authorization number of any other retail food store or wholesale food concern, coupons bearing the name of any bank, or coupons of other than fifty-cent denomination which have been detached from the coupon book prior to the time of purchase of eligible food. Coupons shall not knowingly be accepted from persons who have no right to the possession of such coupons for such use. If a retailer has any cause to believe that a person presenting coupons has no right to possession thereof, such retailer should request such person to show the identification card of the head of the household to establish the right of such person to possession of coupons.

(d) Change in cash shall not be given for coupons, but an authorized retail food store may use for the purpose of making change, those uncancelled and unendorsed coupons having a denomination of fifty cents which were previously accepted in exchange for eligible foods. If change in an amount of less than fifty cents is required, the eligible house-

hold shall have the option of paying in cash or receiving credit from the authorized retail food store for future delivery of an equivalent value of eligible foods. At no time may credit returned as change to eligible households be in excess of 49 cents.

(e) An authorized food retailer shall not retain custody of any unexpended coupons of eligible households or use or adopt any trick, scheme, or device to prevent an eligible household from using unexpended coupons in other authorized retail food stores.

(f) Coupons shall not be accepted by an authorized retail food store in payment for any eligible foods purchased in or delivered by such store prior to the time at which the coupons are tendered in payment for eligible foods.

(g) Authorized retail food stores which receive coupons in accordance with the provisions of this part, shall be entitled to receive payment for the face value of such coupons upon presentation through the banking system or through authorized wholesale food concerns.

§ 1602.3 Participation of wholesale food concerns.

(a) An authorized wholesale food concern may accept endorsed coupons for redemption only from authorized retail food stores, and only when coupons are presented with the authorized retail food store's properly executed, signed redemption certificate and when such coupons have not been marked "paid" or "cancelled".

(b) An authorized wholesale food concern which has received coupons in accordance with the provisions of this part shall be entitled to receive payment through the banking system for the face value of such coupons, upon presentation of the coupons together with (1) the authorized retail food store's properly executed, signed redemption certificate for such coupons, and (2) the authorized wholesale food concern's properly executed signed redemption certificate.

§ 1602.4 Procedure for redeeming coupons.

(a) Each authorized retail food store or authorized wholesale food concern shall stamp or otherwise indicate its authorization number or the name of such store or concern on each coupon prior to the time such coupons are presented for redemption under the procedure provided in this part.

(b) Authorized retail food stores and authorized wholesale food concerns will be provided by AMS with redemption certificates which shall be used in presenting coupons to commercial banks for credit or for cash. Authorized retail food stores shall also use such certificates in presenting coupons to authorized wholesale food concerns for redemption.

§ 1602.5 Participation of banks.

(a) Banks may accept coupons for redemption from authorized retail food stores and authorized wholesale food concerns in accordance with the provisions of this part and the instructions of the Federal Reserve Banks. Coupons submitted to banks for credit or for cash must be properly endorsed in accordance with § 1602.4 and shall be accompanied by a properly executed redemption certificate. No bank shall knowingly accept coupons used by ineligible persons or transmitted for collection by unauthorized retail food stores, wholesale food concerns, or any other unauthorized individuals, partnerships, corporations, or other legal entities. Banks may require persons presenting coupons for redemption to show their authorization card. The redemption certificates shall be held by the receiving bank until final credit has been given by the Federal Reserve Bank, after which they shall be forwarded by the receiving banks to the Food Stamp Project Office. Coupons accepted for deposit or for payment in cash must be cancelled by or for the first bank receiving the coupons by indelibly marking "paid" or "cancelled" together with the name of the bank, or its routing symbol transit number, on the coupons by means of an appropriate stamp. A portion of a coupon consisting of less than three-fifths (3/5) of a whole coupon shall not be accepted for redemption by banks. Banks who are members of the Federal Reserve System and non-member clearing banks may forward cancelled coupons directly to Federal Reserve Banks for payment in accordance with applicable regulations or instructions of the Federal Reserve Banks. Other banks may forward cancelled coupons through ordinary collection channels.

(b) Federal Reserve Banks, acting as fiscal agents of the United States, are authorized to receive cancelled coupons from member banks of the Federal Reserve System and non-member clearing banks for collection as cash items and to charge such items to the general account of the Treasurer of the United States.

(c) While in the course of shipment cancelled coupons shall be considered to be at the risk of the Department, if the bank transmitting such coupons has exercised due diligence and taken ordinary care in making the shipment. Reports of loss, destruction, or damage shall be given promptly on discovery to all of the following: AMS; the nearest Secret Service Office; and the Post Office or other carrier; and the Secretary of the Treasury, Bureau of Accounts. Claim for replacement or credit in the event of loss, damage or destruction of any shipment of coupons shall be filed in writing with AMS and shall be supported by the redemption certificates received from the retail food stores or wholesale food concerns, relating to the coupons included in the particular shipment involved in such claim.

(d) Notwithstanding any provisions of this chapter to the contrary, coupons may be issued to persons authorized by AMS for use in examining and inspecting program operations, compliance with program regulations, and for other purposes determined by AMS to be required for proper administration of the program. Such coupons which have been so issued and used, as well as any coupons which AMS believes may have been issued, transferred, negotiated, used, or received in violation of any provisions of this chapter or of any applicable statute, shall, at the request of authorized representatives of AMS and on issuance of a receipt therefor by such representatives, be released and turned over to AMS by the bank receiving such coupons, or by any other person to whom such request is addressed, together with the certificate(s) of redemption accompanying such coupons, if any. Any such coupons so requested shall not thereafter be eligible for redemption through Federal Reserve Banks or other collection channels: *Provided, however,* That AMS may redeem such coupons from any such bank or person by payment of the face amount thereof upon determination by AMS that such direct redemption of coupons is warranted under all of the circumstances of the examination or inspection in which such coupons were used. Coupons received by AMS under this paragraph (d) shall be held by AMS for such disposition as may be determined by AMS on completion of the examination or inspection in which such coupons were used. In the event such coupons have not been redeemed by AMS as provided in this paragraph, claims or demands relative thereto may be mailed to the local AMS Food Stamp Project Office for the project area involved.

§ 1602.6 Disqualification of retail food stores and wholesale food concerns.

(a) Any authorized retail food store or authorized wholesale food concern may be disqualified from further participation in the Program by AMS for a reasonable, definitely stated period of time, not to exceed three years, as AMS may determine, if such retail food store or wholesale food concern fails to comply with the Food Stamp Act of 1964 or the provisions of this part.

(b) Any retail food store or wholesale food concern considered for disqualification under paragraph (a) of this section shall have full opportunity to submit to AMS information, explanation, or evidence concerning any instances of noncompliance before a final determination is made by AMS as to the administrative action to be taken. Prior to such determination, the retail food store or wholesale food concern shall be sent a letter of charges by the appropriate Director, Area Office, Food Distribution, specifying the violations or actions which AMS believes constitute a basis for disqualification. Such letter shall inform the food retailer or food wholesaler that he may respond either orally or in writing to the charges contained therein within ten days of the mailing date thereof, which response shall set forth a statement of evidence, information, or explanation pertaining to the specified violations or acts. Such response, if any, shall be made to the Director, Area Office, Food Distribution, who issued the letter of charges. If no response is made to the letter of charges, AMS will deem the charges to have been admitted.

(c) The letter of charges, the response, and such other information as may be available to AMS shall be reviewed and considered by the Director, Food Stamp

Division, who shall then issue his determination.

(d) The determination of the Director, Food Stamp Division, shall be final and not subject to further administrative or judicial review unless an appeal in writing is taken therefrom within ten days in accordance with § 1602.8.

(e) The mailing by certified mail or delivery by personal service of any notice required of AMS by this part will constitute notice to the addressee of its contents.

§ 1602.7 Determination and disposition of claims—retail food stores and wholesale food concerns.

(a) If AMS determines that a retail food store or wholesale food concern accepted and redeemed coupons in violation of the provisions of the Food Stamp Act of 1964 or the regulations of this part, AMS may reclaim the face value of the coupons involved in such violations or setoff such amount against either the claim submitted by the retailer or wholesaler which included such coupons or other claims for redemption of coupons submitted by the firm. Notice of such reclaim or setoff will be issued to the retail food store or wholesale food concern by certified mail or personal service. If the retail food store or wholesale food concern is aggrieved by any such claims action, it may seek administrative and judicial review as provided in § 1602.8.

(b) Notwithstanding any provisions of this part to the contrary, AMS may redeem coupons received by unauthorized retail food stores or wholesale food concerns if the following conditions exist: (1) The coupons were received in accordance with the provisions of this part governing acceptance of coupons except the provisions requiring that the firm be authorized before acceptance; and (2) the coupons were accepted by the firm in good faith, and without any intent to circumvent the provisions of this part; and (3) the firm applies for and receives authorization to participate in the Program. Firms seeking to redeem coupons as provided in this paragraph shall present a claim in writing for redemption of such coupons to the local Food Stamp Project Office. This claim shall be accompanied by a notarized affidavit containing a full statement of the circumstances surrounding the acceptance of the coupons. The affidavit shall also include a certification that the coupons were accepted in good faith, and without any intent to circumvent the requirements of this part: *Provided, however,* That within the first 90 days of the opening of any project area, the Food Stamp Project Supervisor may at the time of the authorization of any firm approve the redemption of coupons accepted by such firm for eligible foods prior to authorization. Such redemption on approval of the Food Stamp Project Supervisor, shall be made in the manner specified in § 1602.4. If a claim under the provisions of this paragraph (b), is denied in whole or in part, notification of such action shall be sent to the firm by certified mail or personal service. If the firm is aggrieved by such action, it may seek administrative and judicial review as provided in § 1602.8.

§ 1602.8 Administrative and judicial review—retail food stores and wholesale food concerns.

(a) A food retailer or food wholesaler aggrieved by administrative action under the provisions of §§ 1602.1, 1602.3, 1602.6 and 1602.7 may within 10 days of the date of delivery to the firm of notice of such administrative action, file a written notice of appeal to the Food Stamp Appeals Board from such administrative action. On receipt of such notice of appeal, the questioned administrative action shall be stayed pending disposition of such appeal by the Food Stamp Appeals Board.

(1) Such notice of administrative appeal should be addressed to the Executive Secretary, Food Stamp Appeals Board, United States Department of Agriculture, Washington, D.C., 20250.

(2) The notice of administrative appeal shall state the name of the food retailer or food wholesaler involved and the authorization number of the store or stores to which the questioned action from which the administrative appeal is being taken applies. If an oral hearing is desired by the food retailer or food wholesaler on the matter before the Board, a request therefor must accompany the original notice of appeal.

(3) On receipt of the notice of appeal, the Executive Secretary of the Board shall inform the food retailer or the food wholesaler of the date by which information in writing in support of the food retailer's or food wholesaler's position with respect to the questioned administrative action must be filed with the Board. In those instances in which the food retailer or the food wholesaler requests an oral hearing before the Board, the Executive Secretary shall inform the food retailer or the food wholesaler of the date set for hearing before the Board.

(4) The additional information submitted by the food retailer or food wholesaler, whether submitted in writing or orally before the Board, shall be pertinent to the appeal and shall fully state all evidence, information or explanation which the food retailer or food wholesaler wishes the Board to consider in reaching its decision on the appeal. All the proceedings before the Board, whether oral or in writing, shall be conducted in accordance with the rules of the Food Stamp Appeals Board, copies of which may be obtained from the Executive Secretary of the Board.

(b) If a written notice of administrative appeal is not submitted by a food retailer or food wholesaler within ten days of the date of delivery of the notice of administrative action under §§ 1602.1, 1602.3, 1602.6 and 1602.7, or if the food retailer or food wholesaler fails to submit either orally or in writing information in support of its position, within the time specified by the Executive Secretary of the Food Stamp Appeals Board, or within any extension thereof which may be granted by the Executive Secretary of the Board, the administrative action taken under §§ 1602.1, 1602.3, 1602.6 and 1602.7, whichever is applicable, shall be final and not subject to further administrative or judicial review.

(c) If information, either orally or in writing, is presented to the Board by the food retailer or food wholesaler as provided in this section and the rules of the Food Stamp Appeals Board, the Board shall consider such information together with such other information as may be made available to the Board by AMS and the Board shall decide the issues presented by the appeal and make such decision thereon as it deems appropriate. Such decision of the Board shall take effect 15 days after the date of delivery by certified mail or personal service of the notice of decision on the food retailer or food wholesaler unless a suit is instituted by the food retailer or food wholesaler as provided in section 13(c) of the Food Stamp Act of 1964, Public Law 88–525 and the court temporarily stays such administrative action pending disposition of such trial or appeal as provided in such Act.

(d) A food retailer or food wholesaler aggrieved by a decision of the Food Stamp Appeals Board, after exhaustion of the administrative remedies provided in this part, may obtain judicial review of the decision of the Food Stamp Appeals Board under the provisions of section 13(c) of the Food Stamp Act of 1964, Public Law 88–525 by filing a complaint against the United States in the U.S. District Court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction. Such complaint must be filed within 30 days after the date of delivery or service upon him of the notice of the Board's decision.

(1) Service of notice of the institution of such action shall be accomplished in accordance with the rules of service relating to suits against the United States then in force in the jurisdiction in which the suit is instituted. In the case of suits filed in the United States District Court, the copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be served upon the person in charge of the applicable Area Office of AMS listed in § 1600.5 of this chapter, and in the case of suits instituted in State court, if personal service cannot be made upon such person, a copy of the summons and complaint shall, nevertheless, be mailed by certified or registered mail to such person at such address.

(2) The suit in the United States District Court or in the State court as the case may be, shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid, it shall enter such judgment or order as it determines is in accordance with the law and the evidence.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The provisions of this part shall become effective as provided in § 1600.5(d) of this chapter.

S. R. SMITH,
Administrator.

Approved: January 13, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-517; Filed, Jan. 15, 1965; 8:47 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 204—PETITION FOR IMMIGRANT STATUS AS A HIGHLY SKILLED PERSON OR AS A MINISTER

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN, LAWFUL RESIDENT ALIEN, OR ELIGIBLE ORPHAN

PART 214—NONIMMIGRANT CLASSES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Paragraphs (a) and (b) of § 204.3 are redesignated as paragraphs (b) and (c) and new paragraph (a) is added to read as follows:

§ 204.3 Documents.

(a) *General.* A petition filed in behalf of an alien who was admitted to the United States as a nonimmigrant or acquired such status after admission and is in the United States shall be accompanied by the alien's passport and by his Form I-94 if one was issued to him.

* * * * *

§ 205.3 [Amended]

2. The following sentence is added to paragraph (a) *General* of § 205.3 *Evidence of United States citizenship:* "A petition filed in behalf of an alien who was admitted to the United States as a nonimmigrant or acquired such status after admission and is in the United States shall be accompanied by the alien's passport and by his Form I-94 if one was issued to him."

§ 214.2 [Amended]

3. The third sentence of subdivision (iii) *Petition for alien industrial trainee* of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "A hospital approved by the American Medical Association for either an internship or residency program may petition to classify as an industrial trainee a medical student who will engage in employment as an extern during his medical school vacation period."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order to Parts 204 and 205 relate to agency procedure and to Part 214 confer benefits upon persons effected thereby.

Dated: January 12, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-515; Filed, Jan. 15, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6429; Amdt. 39-23]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Amendment 772, 29 F.R. 9961, AD 64-16-2, Boeing Models 707 and 720 Series aircraft, requires inspection of the upper and lower flanges of the fitting and replacement or modification of any parts found cracked. After investigation based upon a request for an extension of the repetitive inspection period the Agency has determined that an increase from 500 to 600 hours will not adversely affect safety. Accordingly, Amendment 772 is being so revised.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is amended as follows:

Amendment 772, 29 F.R. 9961, AD 64-16-2, Boeing Models 707 and 720 Series aircraft, is amended by changing the inspection interval in paragraphs (a)(4) and (b) from "500 hours' time in service" to "600 hours' time in service".

This amendment shall become effective January 16, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 12, 1965.

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

[F.R. Doc. 65-500; Filed, Jan. 15, 1965; 8:45 a.m.]

[Docket No. 6241; Amdt. 39-22]

PART 39—AIRWORTHINESS DIRECTIVE

Lockheed Models 188A and 188C Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of the nose landing gear steering housing on Lockheed Models 188A and 188C Series aircraft and replacement of any parts found cracked was published in 29 F.R. 14125. Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There was objection to the issuance of the proposed AD on the basis that problems related to the AD are almost two years old and satisfactory actions have already been taken by the operators. The Agency does not concur since three additional failures of the nose landing gear steering housing have occurred, and the AD, therefore, is considered necessary. A comment objected to the conversion factor of two landings per hour time in service to estimate landings. Paragraph (g) of the AD has been revised to allow the number of landings to be determined by using the operator's fleet average time per flight from takeoff to landing as the conversion factor.

Another comment stated that paragraph (c) should be clarified by deleting the word "threads" at the beginning of line two. If the word "threads" is deleted, the paragraph would no longer have any meaning since the threaded portion of the bosses of the steering housing is the subject of the inspection. Paragraph (c) has been changed by substituting "4 ⅛–12 UNS–3A screw-threaded portion of the bosses" for "four ⅛–12 UNS–3A screw threads" to correctly identify the size of the threaded portion of the bosses to be inspected. It was also recommended that the determination of the inspection method be left to the discretion of the operator. The Agency considers the dye penetrant inspection required by the AD to be the minimum acceptable means by which cracks can be detected. There is, however, provision in the AD for the use of an alternative inspection procedure if the operator can show that it is equivalent to the dye penetrant procedure. Therefore, no additional changes to the AD have been made.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

There have been a number of cases of cracking of the nose landing gear steering housing, P/N 800905-1. One of these cracks has resulted in a total failure, allowing the nose gear to rotate 90 degrees to the direction

of landing roll. To correct this condition, accomplish the following:

(a) For aircraft with 8,000 or more landings as of the effective date of this AD, unless already accomplished within 1,800 landings prior to the effective date of this AD, comply with paragraph (c) within the next 600 landings after the effective date of this AD, and thereafter at intervals not to exceed 2,400 landings.

(b) For aircraft with less than 8,000 landings as of the effective date of this AD, comply with paragraph (c) prior to the accumulation of 8,600 landings, and thereafter at intervals not to exceed 2,400 landings.

(c) Inspect the 4⅛–12 UNS–3A screw-threaded portion of the bosses on both sides of the P/N 800905 steering housing for cracks using the dye penetrant procedure outlined in Lockheed Alert Service Bulletin 88/SB–576B or with an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Gain access to the screw threads by accomplishing the instructions of Sections 2.A through 2.D of Lockheed Alert Service Bulletin 88/SB–576, Revision No. 1.

(d) Replace any cracked steering housings detected during the inspection of paragraph (c) before further flight (except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished) in accordance with the instructions of Sections 2.G through 2.K of Lockheed Alert Service Bulletin 88/SB–576, Revision 1, with a new steering housing P/N 800905–1 or with a new improved steering housing P/N 800905–101. If P/N 800905–101 is used, replace the two retaining nuts P/N 801429–1 with two new improved retaining nuts P/N 801429–101.

(e) If a housing is replaced with a new housing of the same part number or had been replaced prior to the effective date of this AD, accomplish the next inspection in accordance with paragraph (c) within 8,600 landings after that replacement and at periodic intervals thereafter not to exceed 2,400 landings.

(f) The periodic inspections in paragraphs (a), (b), and (e) may be discontinued when housing P/N 800905–1 is replaced by P/N 800905–101 and retaining nut P/N 801429–1 is replaced by P/N 801429–101.

(g) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

(h) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Alert Service Bulletins 88/SB–576 Revision No. 1 dated April 8, 1963, and 88/SB–576B dated March 17, 1964, cover this same subject.)

This amendment shall become effective February 15, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–501; Filed, Jan. 15, 1965; 8:45 a.m.]

[Docket No. 6428; Amdt. 39–21]

PART 39—AIRWORTHINESS DIRECTIVES

Rajay Model 315A10 Turbochargers

A number of cracks have been found in the Rajay turbocharger turbine scroll installed in certain aircraft. A complete failure of the scroll could result from continued propagation of such a crack creating a flight hazard by reason of the high operating speed of the turbocharger and the fire danger from high temperature exhaust. To correct this condition, an airworthiness directive is being issued to require inspection of the turbocharger turbine scroll for cracks and to prohibit operation if cracks are found.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

RAJAY. Applies to the following aircraft equipped with Rajay Model 315A10 turbochargers installed by supplemental type certificate approvals:

Aero Commander 500B STC SA529WE; Aero Commander 500A STC SA563WE; Piper PA–23–250 STC SA539WE; Piper PA–24–250 STC SA811WE; Piper PA–23 and PA–23–160 STC SA3–1637; Cessna 310 Riley Rocket STC SA385WE; Cessna 310 and 310 B through H STC SA97SO; Cessna 320 STC SA285SO; and Helio 500 STC SA305SO.

Compliance required as indicated.

A number of cracks in the turbocharger turbine scroll have occurred. To prevent possible turbine scroll failures, accomplish the following:

(a) Within 25 hours' time in service after the effective date of this directive, unless previously accomplished within the last 75 hours' time in service, and at intervals thereafter not to exceed 100 hours' time in service from the last inspection, visually inspect the turbocharger turbine scroll for cracks unless the turbocharger has been made inoperative by disconnecting the controls or a placard has been placed in the cockpit prohibiting turbocharger operation.

(b) If cracks are found, make the turbocharger inoperative by disconnecting the controls or install a placard in the cockpit in full view of the pilot that reads, "Do not operate turbochargers", until the turbocharger scroll is replaced.

(c) The repetitive inspections required by paragraph (a) may be discontinued only when an FAA-approved modified scroll has been installed.

(d) Operators who have not kept records of hours' time in service of turbocharger operation shall substitute airplane hours' time in service in lieu thereof.

(Rajay Service Letter No. 2 dated October 26, 1964, covers this subject.)

This amendment shall become effective January 16, 1965.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on January 11, 1965.

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

[F.R. Doc. 65–502; Filed, Jan. 15, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56339]

PART 3—DOCUMENTATION OF VESSELS

Surrender of Marine Documents; Requirements for Approval by Maritime Administration

The Maritime Administration has recently notified this office that its approval is not required under subsection 0(a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961(a)), for the surrender of the marine document of a vessel covered by a preferred mortgage incident to the issuance of a permanent document while the vessel is absent from its home port. In order to reflect this ruling and in order to make certain additional clarifying changes, footnote 19 to paragraph (a) of § 3.30 *Exchange of documents,* Customs Regulations, is amended to read as follows:

[19] The requirement of subsection O(a) of the Ship Mortgage Act, 1920 (46 U.S.C. 961(a)), that the document of a vessel covered by a preferred mortgage may not be surrendered without the approval of the Maritime Administration upon the consent of the mortgagee does not apply to a case in which any one or more of the following is the cause for surrender: (1) A renewal of license, including a case in which the former document is replaced by reason of the fact that all renewal spaces are filled; (2) a change of document incident to a change of trade; (3) a change to a permanent document on arrival of a vessel at its home port under a temporary document or the issuance of a permanent document to a vessel absent from its home port; (4) the replacement or renewal of a lost, mislaid, or mutilated document; (5) the replacement of a document issued in error or on an improper form; or (6) the replacement of a document of a vessel owned by a corporation when the president or secretary whose name appears thereon dies, is removed, or resigns and there has been no change in ownership. A document may be deemed to be mutilated within the meaning of item (4) above when it has been partially burned, torn, soiled, or otherwise defaced so as to be unsuitable for the purpose for which it was issued. When some cause for surrender of the vessel document occurs other than one or more of those recited above, such as a change in ownership or home port, the approval of the Maritime Administration is required to the surrender for such additional cause.

(R.S. 161, as amended, sec. 2, 23 Stat. 118, as amended, sec. 30, subsec. O, 41 Stat. 1004,

sec. 204, 49 Stat. 1987, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 961, 1114)

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

Approved: January 8, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-538; Filed, Jan. 15, 1965; 8:49 a.m.]

[T.D. 56340]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Yacht Commissions and Navigation Fees

It has been determined that a charge should be imposed for the issuance of a yacht commission to documented vessels to meet the intent of the Congress expressed in section 501, Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), that, among other things, any publication, report, document, or similar thing of value or utility, furnished, prepared, or issued by any Federal agency shall be self-sustaining to the full extent possible. Accordingly, § 3.53(b) is hereby amended to read as follows:

§ 3.53 Yacht privileges and obligations.

* * * * *

(b) Upon the application of the owner on customs Form 1250 submitted through a collector of customs, a commission may be issued by the Commissioner of Customs to any vessel licensed or enrolled and licensed as a yacht, belonging to a regularly organized and incorporated yacht club, to identify such yacht and its owner during a foreign voyage. A fee of $6 which shall accompany the application shall be paid for each yacht commission issued. This commission is a token of credit to any United States official and to the authorities of any foreign power for the privileges enjoyed under it.

* * * * *

(R.S. 161, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R.S. 4217, as amended; 5 U.S.C. 22, 46 U.S.C. 2, 3, 105)

§ 4.98 [Amended]

Section 4.98(a) is hereby amended by adding the following as fee number 12 to the table of fees:

Fee No.	Service	A	B
12	Issuing a yacht commission (5 U.S.C. 140, 46 U.S.C. 105).	$6.00	$6.00

(R.S. 161, as amended, sec. 501, 65 Stat. 290, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U.S.C. 22, 140, 46 U.S.C. 2, 3)

Notice of the proposal to amend the regulations to provide for a fee for issuing a yacht commission was published in the FEDERAL REGISTER on October 24, 1964 (29 F.R. 14598). No data, views, or arguments pertaining to the proposal were received. The amendments as set forth above are hereby adopted effective thirty days after the date of publication in the FEDERAL REGISTER.

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

Approved: January 11, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-539; Filed, Jan. 15, 1965; 8:50 a.m.]

[T.D. 56336]

PART 16—LIQUIDATION OF DUTIES

Conversion of Foreign Currency; Luxembourg Franc

Conversion of Luxembourg franc authorized for customs purposes at a rate of exchange equal to that of the Belgian franc certified by the Federal Reserve Bank of New York; § 16.4(d), Customs Regulations:

Customs officers occasionally have found it necessary to make currency conversions on transactions invoiced in Luxembourg francs. As no rate of exchange for the Luxembourg franc is certified for customs purposes by the Federal Reserve Bank of New York, appraisement and liquidation proceeded at conversions based on a rate of exchange equivalent to that for the Belgian franc, certified by the Bank for the date of exportation, authorized as an interim measure pending the outcome of the Bureau's efforts to obtain confirmation of pertinent factual representations.

Facts now confirmed establish that a common exchange control functions in Luxembourg and Belgium under separate but similar legislative acts of the two countries. There is no limitation or restriction to payments between them, accounts in francs of either country held with Belgian and Luxembourg banks being freely transferable to each other, at par. Exchange transactions in Luxembourg are made at the same rates as in Belgium, but only the Belgian franc is quoted on the international exchange markets. There is no separate quotation for the Luxembourg franc in the New York market, distinct from the Belgian franc.

The Bureau has received conclusive advice that the rate of exchange certified by the Federal Reserve Bank of New York for the Belgian franc in practice is a rate identical to the rate for the Luxembourg franc. Necessary conversions of the Luxembourg franc therefore shall proceed in accordance with § 16.4 (d) of the Customs Regulations at a rate of exchange equal to the rate of exchange certified by the Bank for the Belgian franc.

This rule, whenever its application is appropriate in their respective functions, shall govern customs entry officers, appraising officers, and customs liquidators with respect to entries hereafter presented, any unappraised entry, or any unliquidated entry.

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

Approved: January 8, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-540; Filed, Jan. 15, 1965; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER L—STANDARDS OF CONDUCT

PART 920—STANDARDS OF CONDUCT

Miscellaneous Amendments

1. Section 920.7 is revised to read as follows:

§ 920.7 Gratuities.

(a) Air Force personnel will not accept any favor, gratuity, or entertainment, directly or indirectly, from any person, firm, corporation, or other entity which is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the Department of Defense except as provided in subparagraphs (1) through (3) of this paragraph. Favors, gratuities, or entertainment bestowed upon members of the immediate families of Air Force personnel are viewed in the same light as those bestowed upon Air Force personnel. Acceptance of entertainment, gifts, or favors (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of Defense may be a source of embarrassment to the Department and to the personnel involved, may affect the objective judgment of the recipient and impair public confidence in the integrity of business relations between the Department and industry.

(1) In some circumstances, the interests of the Government may be served by participation of Air Force personnel in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest to Government and industry. Participation by Air Force personnel is appropriate where the host is the association and not an individual contractor. However, acceptance of entertainment or hospitality from private companies in connection with such association activities is prohibited.

(2) In some circumstances, the interests of the Government may be served by participation of Air Force personnel in activities at the expense of individual Defense contractors. These activities include public ceremonies of mutual interest to industry, local communities and the Department of Defense, such as the launching of ships or the unveiling of

new weapons systems; industrial activities which are sponsored by or encouraged by the United States Government as a matter of United States Defense or economic policy, such as sales meetings to promote off-shore sales involving foreign industrial groups or governments; and luncheons or dinners at a contractor's plant, on an infrequent basis, where the conduct of official business within the plant will be facilitated and where no provision can be made for individual payment.

(3) There may be a limited number of additional situations where, in the judgment of the individual concerned, the Government's interest would be served by participation by Air Force personnel in activities comparable to those enumerated in subparagraphs (1) and (2) of this paragraph. In any such cases, within the meaning of this paragraph, in which Air Force personnel accept any favor, gratuity, or entertainment directly or indirectly from any person, firm, corporation, or other entity which is engaged or is endeavoring to engage in business transactions of any sort with the Department of Defense, a written report of the complete circumstances will be made by the recipient within 48 hours. The recipient will submit the report to his commander (or, in the case of personnel assigned to the Air Staff and Office of the Secretary, to his Deputy Chief of Staff or Chief of comparable office, or his designee) for his review and disposition. The report will identify the favor, gratuity, or entertainment, state when, where and from whom received, and contain the justification for accepting it, showing how the recipient's participation in the activities concerned served the Government's interest. All Air Force personnel are expected to use sound judgment in determining initially whether acceptance of a proffered favor, gratuity, or entertainment would come within the purview of this section, and to assume personal responsibility for making a report, when required.

2. In § 920.12(a) the last sentence of subparagraph (4) (i) is amended to read as follows:

§ 920.12 Conflict of interest laws.

(a) * * *

(4) *Disqualification procedures.* (i) * * * The original copy of such written determination will be made a matter of permanent record and will be maintained by the central civilian personnel officer or filed in the Military Officer Unit Personnel Record Group, as appropriate.

* * * * *

3. In § 920.13(a)(1), subdivision (i) is amended to delete the words "(publication pending)." In § 920.13(b)(2), subdivision (ii) (*d*) is amended to change the reference "AFM 40-2." As amended § 920.13 (a) (1) (i) and (b) (2) (ii) (*d*) now read as follows:

§ 920.13 Advisers, consultants, and temporary or intermittent employees.

(a) * * *

(1) * * *

(i) Advisers and consultants (including experts) employed under AFR 40-921, "Employment of Experts and Consultants"; AFR 160-97, "Civilian National Consulants"; or AFR 25-4, "Expert and Consultant Services."

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(*d*) Maintain the original "Statement of Employment and Financial Interests," and other papers relating thereto as prescribed in section 2934, AFM 40-1 (Air Force Civilian Personnel Manual). The Statement and related papers are official personnel records and must be treated accordingly.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFR 30-30A, Dec. 2, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65-507; Filed, Jan. 15, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Mispillion River, Delaware and Indian River, Florida

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.237a is redesignated as § 203.237b and new § 203.237a is hereby prescribed to govern the operation of the Delaware State Highway Department bridge across Mispillion River at Washington Street, Milford, Del., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.237a Mispillion River, Delaware; Delaware State Highway Department bridge at Washington Street, Milford.

(a) The owner of or agency controlling this bridge will not be required to keep draw tenders in attendance from 8:00 p.m. to 8:00 a.m.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw from 8:00 p.m. to 8:00 a.m., at least 24 hours' advance notice of the time opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required.

(c) On receipt of such advance notice the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on signal at approximately the time specified in the notice.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

§ 203.237b Lewes and Rehoboth Canal, Delaware; Delaware State Highway Department bridges at Rehoboth. [Redesignated]

[Regs., Dec. 29, 1964, 1507-32 (Mispillion River, Delaware)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.436 governing the operation of certain bridges across the Indian River, Florida, is hereby amended to include the National Aeronautics and Space Administration bridge at Addison Point, changing section heading and paragraph (a), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.436 Indian River, Florida; Florida State Road Department bridges at Titusville, Cocoa, Eau Gallie, Melbourne and the National Aeronautics and Space Administration bridge at Addison Point.

(a) Except as provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridges at Titusville, Addison Point, Cocoa, Eau Gallie and Melbourne shall not be required to open the drawspans between 6:45 a.m. and 7:45 a.m. and between 4:15 p.m. and 5:45 p.m., Monday through Friday of each week.

* * * * *

[Regs., Jan. 5, 1965, 1507-32 (Indian River, Florida)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 65-508; Filed, Jan. 15, 1965; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

PART 24—THIRD CLASS

Miscellaneous Amendments

Regulations of the Post Office Department cited above are amended hereby for the purpose of deleting outdated rate tables. Also, 39 U.S.C. 22.1(b)(1)(ii) is amended for clarification purposes.

§ 22.1 [Amended]

In § 22.1 *Rates*, make the following changes:

1. In paragraph (a)(1) strike out the tabular rate data and insert in lieu thereof the following:

	Cents
Per pound or fraction of a pound	1¼
Minimum rate per piece	⅛

2. Amend paragraph (b) to read as follows:

(b) *Outside the county of publication*—(1) *All publications, except those accepted at the special rate or classroom rate*—(i) *Rate per pound or fraction of a pound.*

	Cents
Nonadvertising portion	2.8
Advertising portion:	
Zones 1 and 2	4.2
Zone 3	5.2
Zone 4	7.2
Zone 5	9.2
Zone 6	11.2
Zone 7	12.0
Zone 8	14.0

(ii) *Minimum per piece charge.*

	Cents
(a) All publications except those provided for in (b) and (c) below	1.0
(b) Publications mailing less than 5,000 copies per issue (regardless of whether the amount of advertising is more or less than 5 percent outside the county of publication. (In determining whether 5,000 copies are mailed outside the county, include all of the copies mailed at all entry points and declared on all Forms 3542 submitted for a particular issue; also include copies for all editions of an issue.)	.5
(c) Any issue of a publication the advertising portion of which does not exceed 5 per cent of the entire issue but which does have over 5,000 circulation outside the county of publication	.75

(iii) If the total postage computed at the pound rates does not amount to the appropriate minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See paragraph (g) of this section.)

(2) *Special rate publications.* Reading and advertising portions combined:

	Cents
Rate per pound or fraction of a pound	1.8
Minimum charge per piece	⅛

Issued by and in the interest of the following organizations and associations not organized for profit and none of the net income of which benefits any private stockholder or individual when specially authorized by the Department: (See § 22.3(c)(1) of this chapter.)

(i) Religious.
(ii) Educational.
(iii) Scientific.
(iv) Philanthropic.
(v) Agricultural.
(vi) Labor.
(vii) Veterans.
(viii) Fraternal.
(ix) Associations of rural electric cooperatives.
(x) The official highway or development agency of a State (limited to one publication that meets all the requirements of § 22.2(b) of this chapter and that contains no advertising).

(3) *Classroom publications.* Religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes: 60 percent of the postage computed either at the regular pound rates in subparagraph (1)(i) of this paragraph or at the minimum per piece rate in subparagraph (1)(ii)(a) of this paragraph, whichever is applicable.

NOTE: The corresponding Postal Manual section is 132.1.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

§ 23.1 [Amended]

In § 23.1 *Rates*, strike out the rate table and insert in lieu thereof the following:

	Cents
Per pound or fraction of a pound	13½
Minimum charge per piece	1

NOTE: The corresponding Postal Manual section is 133.1.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4421, 4222)

§ 24.1 [Amended]

In § 24.1 *Rates*, make the following changes:

1. In paragraph (b)(1) amend the minimum rate per piece data to read as follows:

Minimum rate per piece ---------- 1¼ cents ---- 2⅞ cents

2. In paragraph (b)(2) amend the minimum rate per piece data to read as follows:

Minimum rate per piece ---------- 1¼ cents ---- 2⅞ cents

NOTE: The corresponding Postal Manual section is 134.1.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4451–4453)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-529; Filed, Jan. 15, 1965; 8:48 a.m.]

PART 132—REGISTRATION

PART 137—RECALL AND CHANGE OF ADDRESS

PART 151—CUSTOMS

PART 152—SEALED LETTERS BELIEVED TO CONTAIN PROHIBITED MATTER

International Mail Service

§ 132.6 [Amended]

In § 132.6 *Restricted delivery*, make the following changes in the listing of countries in paragraph (a)(1):

1. Insert in alphabetical order Ethiopia, with the following accompanying endorsement:

A remettre en main propre.

2. Delete Sarawak.

NOTE: The corresponding Postal Manual section is 242.611.

§ 137.5 [Amended]

In § 137.5 *Countries not permitting*, amend paragraphs (a) and (b) to read as follows:

(a) *For postal union mail.* The legislation of the following countries does not allow senders of postal union articles to withdraw them from the mail or to change their address: Aden, Australia, Bahrein, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gibraltar, Great Britain and Northern Ireland, Hong Kong, India (permits only requests for return), Ireland, Kenya and Uganda, Kuwait, Leeward Islands (except Antigua), Malawi, Malaysia, Malta, Muscat, Nauru, New Guinea, New Zealand (permits only requests for return), Nigeria, Papua, Qatar, Rhodesia, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Somalia, South Africa (Rep. of), Southern Rhodesia, Tanganyika, Trinidad and Tobago, Trucial States, Windward Islands (except Dominica), and Zambia.

(b) *For parcel post.* Under the terms of the parcel post agreements in effect with the following countries, parcels cannot be recalled after they have left this service nor can the address be changed, unless the parcels are undeliverable at the original address: Aden, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert and Ellice Islands, Great Britain and Northern Ireland, Hong Kong, India (permits only requests for return), Ireland, Malawi, Malaysia, Nauru, Nigeria, Pakistan, Rhodesia, Seychelles, Solomon Islands, Southern Rhodesia, Trinidad and Tobago, Windward Islands, and Zambia.

NOTE: The corresponding Postal Manual sections are 247.51 and 247.52.

Section 151.6 *Unidentified items and discrepancies*, is amended to read as follows:

§ 151.6 Discrepancies.

When a collector of customs finds a difference between the amounts reported by postmasters and the amounts shown on the related file copy of a Customs Form 3419, the collector will forward the postmaster an inquiry on Customs Form 3429, Notice to Postmaster of Underpayment to Customs, in duplicate. On receipt of Customs Form 3429, fill in correct district and port code number and mail entry number on face of form. Review the file copy of Form 2932 (or purchaser's receipt for money order remittance) to determine the amount of adjustment. Enter the adjustment data in spaces provided on the back of Customs Form 3429 as follows:

(a) Enter serial number of customs Form 3419 involved, amount originally remitted, and correct amount.

(b) At the bottom of the form enter the net amount of adjustment (plus or minus), signature of preparing employee, and date of preparation. Adjustment will be made against the next remittance to the collector of customs involved.

(c) Return original to collector of customs and file duplicate with related file copy of Form 2932 (or purchaser's receipt for money order remittance).

(d) When review shows that the item was originally reported in the correct amount, return the original of Customs Form 3429 to collector of customs endorsed to that effect. File duplicate

with related Form 2932 (or purchaser's receipt for money order remittance).

NOTE: The corresponding Postal Manual section is 261.6.

The Part heading for Part 152—Prohibited or restricted articles, is amended to read as set forth above and Part 152 is hereby amended to read as follows:

Sec.
152.1 Examination; authorization to open.
152.2 Disposal.

AUTHORITY: The provisions of this Part 152.2 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505.

§ 152.1 Examination; authorization to open.

Mail of foreign origin is scrutinized at the exchange office of first receipt for the presence of prohibited matter. If there is reason to believe that prohibited matter is contained in a sealed letter, the exchange office will endorse the cover "Supposed to Contain Matter Prohibited Importation" and forward it to the post office of destination. Letters received bearing such endorsement, or any foreign letter not so endorsed but suspected of containing prohibited matter, shall be held and treated as follows:

(a) Complete and mail Form 2921, Held Notice—International Mail, to the addressee requesting that he furnish authorization to open the letter and examine its contents. The form may be endorsed "Lottery Matter" when it is believed the letter contains such matter. If the volume of such mail or other considerations warrant, an explanatory letter may be sent in lieu of Form 2921.

(b) When authorization to open is given by the addressee, the letter shall be opened and examined in his presence, if he has appeared in person, or, if he does not appear, in the presence of two designated postal employees.

(c) If the addressee fails to authorize the opening of the letter, endorse the cover "Unclaimed" and return, unopened, to its origin.

§ 152.2 Disposal.

(a) *Mailable matter.* If the contents of a letter opened pursuant to § 152.1 are found to be mailable and the examination has taken place in the presence of the addressee, immediately deliver the letter to him. If the addressee is not present, mail the letter to him under official cover.

(b) *Prohibited matter.* If the contents of a letter opened pursuant to § 152.1 of this chapter are found to be prohibited they shall be disposed of as follows:

(1) Transmit lottery matter to the local postal inspector in charge.

(2) Report other prohibited matter to the Mailability Division, Office of the General Counsel, with a sample of the contents, and await instructions as to disposition.

NOTE: The corresponding Postal Manual Part is Part 262.

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

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-530; Filed, Jan. 15, 1965; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

[Temporary Reg. No. A-2]

REDUCTION IN PURCHASE OF OFFICE FURNITURE AND TYPEWRITERS, AND MORATORIUM ON PURCHASE OF FILING CABINETS

JANUARY 15, 1965.

1. Purpose.

This regulation implements a Presidential directive to reduce Federal expenditures for acquisition of office furniture and typewriters and to impose a moratorium on purchase of filing cabinets.

2. Background.

The President in his letter dated January 9 to the Acting Administrator of General Services has (1) asked that GSA, in cooperation with all Federal agencies, take steps immediately to reduce substantially the current rate of spending for new office furniture and typewriters, and (2) declared a moratorium on the purchase of new correspondence filing cabinets. He stated his belief that greater use of the GSA program for repair and rehabilitation of furniture and equipment and the accelerated disposal or retirement of records can substantially reduce new purchases of these items.

3. Reduction in purchase of office furniture and typewriters.

Pursuant to the Presidential directive and pending issuance of fully implementing instructions, each executive agency is requested to:

a. *Acquisition.* (1) Halt acquisition of new office furniture and manual and electric typewriters for other than absolutely essential purposes. Upgrading for the purposes of improvements in appearance, office decor, status elevation, or desire for the latest design or more expensive lines are not to be construed as essential purposes.

(2) Limit acquisitions from any source to essential requirements arising only from quantitative increases in on-board employment which result in a total agency requirement for additional furniture or typewriters and will be limited to the least expensive lines.

b. *Excess.* (1) Review inventories of office furniture and typewriters and report as excess all stocks which are not required for their immediate needs. In the course of the review, agencies are urged to ascertain those items which can be economically rehabilitated and institute agency-wide programs for the orderly and continuing repair and rehabilitation of existing office furniture and typewriters. GSA regional offices have numerous sources for such services readily available and will provide assistance on request.

(2) Fulfill agency needs which cannot be met through redistribution, rehabilitation, or repair of already owned furniture and typewriters from inventories of excess furniture and typewriters prior to acquisition of new items.

4. Moratorium on purchase of new filing cabinets.

a. *Moratorium.* (1) The moratorium declared by the President applies to the purchase of all new correspondence filing cabinets for use in the 50 States and the District of Columbia.

(2) While the moratorium does not apply to fire resistant insulated file cabinets and tamper resistant cabinets required for storage of classified records, the provisions of paragraph 3, above, are applicable to requirements for such items.

(3) In accordance with the President's moratorium, GSA will make no further acquisitions of new correspondence filing cabinets for depot stocks and for direct delivery to agency consignees in the 50 States and the District of Columbia.

(4) GSA also will withdraw from Federal Supply Schedule contractors unshipped agency purchase orders for correspondence filing cabinets for delivery to consignee activities affected by the moratorium. Agency purchase orders withdrawn from Federal Supply Schedule contractors and agency requisitions now on hand in GSA regional offices are being returned to ordering activities in accordance with the intent of the President's moratorium.

b. *Report of excess.* All agencies shall report to GSA as excess to their requirements all inventories of filing cabinets, including those which are made available through compliance with the attached "actions prerequisite," which are not required for immediate use. Filing cabinets not required for immediate use by agencies shall not be held as a reserve against future requirements.

c. *Priority methods for satisfying needs.* (1) Agencies shall meet their needs for filing cabinets:

(a) Through the accelerated disposal of records, either by destruction of noncurrent records or by transfer to Federal Records Centers or to center-type space in agencies; or

(b) By use of less expensive substitutes for filing cabinets, such as open shelf files.

(2) Essential agency requirements which cannot be met through the measures stated in subparagraph (1), above, may be fulfilled, first, from excess inventory of filing cabinets (including rehabilitated) and, if not so available, from GSA remaining warehouse stocks, both of which sources are extremely limited and will be issued only under the most austere standards.

(3) Orders for filing cabinets may not be issued by agencies unless the "Actions Prerequisite to Requesting Excess Rehabilitated, or New Correspondence Filing Cabinets," attached hereto, have been taken and the requiring agency affirmatively so states.

(4) Agency requirements for additional filing cabinets which cannot be met by taking such actions should be made the subject of a letter to the appropriate GSA Regional Adminisrtator, specifying the stock numbers and quantities required by consignee point(s) and

stating that the prerequisite actions have been taken but have not produced the needed filing cabinets. These requests will be reviewed by GSA for conformance with the intent of the President's directive and, if approved, will be filled to the maximum possible extent with available excess filing cabinets, including rehabilitated. Efforts will be made to furnish excess items of the types requested. However, when necessary, agencies will be issued serviceable substitutions irrespective of composition (wood or metal), number of drawers, or finish. Approved requirements which cannot be filled from excess will be returned to the originator with a clearance document authorizing submission of a requisition on GSA depot stocks.

(5) Such requisitions will be submitted in MILSTRIP, FEDSTRIP, or other authorized format. The clearance document number shall be incorporated in the Remarks field of the MILSTRIP-FEDSTRIP requisition, and the designator E entered in the third position in non-MILSTRIP-FEDSTRIP format of the document identifier. Requisitions shall also include the clearance document number. A copy of the clearance document must accompany the requisition, consequently such requisitions shall be forwarded by mail to the Federal Supply Service in the appropriate GSA region. Requirements for use outside the 50 States and the District of Columbia are exempt from this special processing procedure.

5. Agency cooperation.

Compliance with the President's directive can be achieved without hardship on any user only if all agencies give to this effort their full and complete cooperation, which is solicited.

6. Report by GSA.

GSA will report regularly to the President and to the Heads of Federal Agencies on this program.

7. Effect on other issuances.

All GSA regulations are superseded to the extent of any inconsistency with this regulation.

8. Effective date.

This regulation is effective January 16, 1965.

9. Expiration date.

This document expires 90 days from the date of signature. Prior to that expiration date, this regulation will be codified in the permanent regulations of GSA appearing in Title 41 CFR, Public Contracts and Property Management.

Dated: January 15, 1965.

LAWSON B. KNOTT, JR.,
Acting Administrator.

ACTIONS PREREQUISITE TO REQUESTING EXCESS, REHABILITATED, OR NEW CORRESPONDENCE FILING CABINETS

1. Agency records have been disposed of in accordance with authorized schedules.

2. Retention periods of records no longer required have been reduced to the absolute minimum.

3. Inactive records have been retired to Federal Records Centers. (These Centers will accept records which are not immediately disposable and which are not referred to more than once per file drawer per month, provided transportation charges are not in excess of space and equipment savings.)

4. Records have been retired in accordance with agency procedures to agency records centers, agency staging or holding areas, and other agency center-type space where records can be stored economically in cartons on shelves or in other low-cost equipment.

5. Contents of filing cabinets have been rehoused in more economical equipment where appropriate. (For example, shelf filing should be considered for records, and shelving, storage cabinets, and similar equipment should be used for stocks of forms, publications, and office supplies.)

6. Filing cabinets are being fully utilized, including top and bottom drawers. (Fill cabinet drawers to the optimum extent to still permit ready filing and finding (usually ¾ full). Consolidate contents of cabinets that are less than half full.)

7. Filing cabinets have been redistributed within the agency to meet needs for special types and sizes of cabinets.

8. Stocks of filing cabinets have been reduced to immediate needs and any unneeded cabinets have been reassigned to points of shortage within the agency or reported as excess to GSA for redistribution to other Federal agencies.

9. Advice and assistance as needed have been requested from agency records officers and from records management specialists in GSA regional offices and Federal Records Centers.

These steps should help Federal agencies to attain the goal of reducing the quantity of records in agency office space to no more than half the total quantity of agency records, including those in center-type space.

[F.R. Doc. 65-602; Filed, Jan. 15, 1965; 11:01 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 15—RADIO FREQUENCY DEVICES

Measurement Procedure

The Commission having under consideration the desirability of making certain editorial changes in Part 15 of its rules and regulations; and

It appearing, that § 15.75(b) of the Commission's rules lists Institute of Radio Engineers Standards 15 IRE 17S1, 61 IRE 27S1, and 60 IRE 17S1 as measurement methods acceptable for certification of receivers; that these IRE Standards have been renumbered by the Institute of Electrical and Electronics Engineers as IEEE Standards 187, 213, and 190; that the texts of these IEEE Standards are identical to the former IRE Standards; and

It further appearing, that the rule reference should be corrected to reflect the new designation; and

It further appearing, that, since the amendment adopted herein is editorial in nature and imposes no new requirements, but clarifies and updates the existing requirements, prior publication of Notice of Proposed Rule Making provided under section 4 of the Administrative Procedure Act is unnecessary and the amendments may become effective immediately;

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's Statement of Organizations, Delegation of Authority and Other Information:

It is ordered, This 13th day of January 1965, that effective January 20, 1965, § 15.75(b) is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: January 13, 1965.

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

In § 15.75(b), subparagraphs (1), (2), and (3) are amended to read as follows:

§ 15.75 Measurement procedure.

* * * * *

(b) * * *

(1) Institute of Electrical and Electronics Engineers Standard 187 (formerly 51 IRE 17S1) for radiation measurements.

(2) Institute of Electrical and Electronics Engineers Standard 213 (formerly 61 IRE 27S1) for conducted interference measurements from frequency modulated and television broadcast receivers in the range 300 kc/s to 25 Mc/s.

(3) Institute of Electrical and Electronics Engineers Standard 190 (formerly 60 IRE 17S1) for measurement of noise figure and peak picture sensitivity of a television broadcast receiver.

* * * * *

[F.R. Doc. 65-542; Filed, Jan. 15, 1965; 8:50 a.m.]

PART 73—RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM and Television Broadcast Stations

By order adopted December 16, 1964 (FCC 64-1168) the Commission amended § 73.636 of its rules by amending Note 3 to that section. The note as amended should read, and is hereby corrected to read, as follows (the correction inserts the third and fourth sentences of the following text, which were in the earlier language of this note and were inadvertently omitted in the action mentioned):

§ 73.636 Multiple ownership.

* * * * *

NOTE 3: Paragraph (a)(1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy where no new or increased overlap would be created between commonly owned stations. Said paragraph will not apply to major changes to UHF television broadcast stations authorized as of September 30, 1964, which will result in Grade B overlap with another television broadcast station that was commonly owned, operated, or controlled as of

September 30, 1964. Such major changes will be considered on a case-by-case basis to determine whether such overlap exists with a commonly owned, operated, or controlled station as to be against the public interest. Said paragraph will apply to all applications for new stations, to all other applications for assignment or transfer, and to all other applications for major changes in existing stations except major changes that will result in overlap no greater than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a)(1) of this section may not be assigned or transferred to a single person, group, or entity, except as provided in this Note.

* * * * *

Released: January 11, 1965.

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

[F.R. Doc. 65-509; Filed, Jan. 15, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 59-B]

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Steel Cargo Tanks for Compressed Gas

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 18th day of December A.D. 1964:

It appearing, that on March 8, 1963, the Commission, division 3 issued a notice of proposed rulemaking (49 CFR Parts 71-78) in the above-entitled proceeding;

And it further appearing, that investigation of the matters and things involved in this proceeding has been made; and said Division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which report and the report of the examiner are hereby made a part hereof:

It is ordered, That 49 CFR Part 78 be, and it is hereby, amended by adding thereto the following §§ 78.337—78.337-18:

§ 78.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section. Requirements to be met in all particulars with respect to all such tanks constructed after September 1, 1965.

§ 78.337-1 General requirements.

(a) *Code construction.* Tanks shall be of seamless or welded steel construction or combination of both, and shall be designed and constructed in accordance with and fulfill the requirements of the 1962 edition of the ASME Boiler and Pressure Vessel Code, section VIII for Unfired Pressure Vessels, with no revisions except to include ASME Case Interpretations Nos. 1204-11, 1297-5, and 1298-5 and addenda through the Winter 1963 Addenda issued December 31, 1963, all of which are hereinafter referred to as "the Code." Each tank shall also meet the following additional requirements.

(b) *Design pressure.* The design pressure of a tank authorized under this specification shall be not less than the vapor pressure of the commodity contained therein at 115° F. or as prescribed for a particular commodity in § 73.315(a)(1) of this chapter, except that in no case shall the design pressure of any tank be less than 100 p.s.i.g. nor more than 500 p.s.i.g.

NOTE 1: The term "design pressure" as used in this specification, is identical to the term "maximum allowable working pressure" as used in the Code.

(c) *Openings.* (1) Excess pressure relief valves shall be located in the top of the tank or heads.

(2) Each chlorine tank shall be equipped with a nozzle in the top of the tank. The nozzle shall be fitted with a dome cover plate conforming to the standard of The Chlorine Institute, Inc.; Drawing 103-3 dated January 23, 1958. There shall be no other opening in the tank.

(d) *Reflective design.* Every uninsulated tank permanently attached to a tank motor vehicle shall, unless it be covered with a jacket made of aluminum, stainless steel, or other bright nontarnishing metal, be painted a white, aluminum or similar reflecting color on the upper two-thirds of area of the tank.

(e) *Insulation for carbon dioxide, chlorine, and nitrous oxide tanks.* Each tank for chlorine, carbon dioxide, and nitrous oxide shall be insulated with a suitable insulation material of such thickness that the overall thermal conductance at 60° F. is not more than 0.08 B.t.u. per square foot per °F. differential in temperature per hour. Insulation material on tanks for nitrous oxide shall be noncombustible. Insulation material used on tanks for chlorine shall be corkboard with minimum thickness of 4 inches.

(f) *Postweld heat treatment.* Postweld heat treatment shall be as prescribed in the Code, except that, each tank constructed in accordance with ASME Case Interpretations Nos. 1204, 1297, and 1298 shall be postweld heat treated. Each chlorine tank shall be fully radiographed and postweld heat treated in accordance with the provision of the Code under which constructed. Where postweld heat treatment is required, the tank shall be treated as a unit after completion of all welds in and/or to the shell and heads. The method shall be as prescribed in the Code. Welded attachments to pads may be made after postweld heat treatment.

§ 78.337-2 Material.

(a) *General.* (1) All material used for construction of the tank and appurtenances shall be suitable for use with the commodities to be transported therein and shall comply with the requirements of the Code and/or requirements of the American Society for Testing and Materials in all respects.

(2) Impact tests shall be required on steel used in fabrication of each tank constructed in accordance with ASME Case Interpretations Nos. 1204, 1297, and 1298. The tests shall be made on a lot basis. A lot is defined as 100 tons or less of the same heat treatment processing lot, having a thickness variation no greater than plus or minus 25 percent. The minimum impact required for full size specimens shall be 20 foot-pounds in the longitudinal direction at minus 30° F., Charpy V-notch and 15 foot-pounds in the tranverse direction at minus 30° F., Charpy V-notch. The required values for sub-size specimens shall be reduced in direct proportion to the cross sectional area of the specimen beneath the notch. If the lot does not meet this requirement, individual plates may be accepted if they individually meet this requirement.

(3) The fabricator shall record the heat, and slab numbers, and the certified Charpy impact values, where required, of each plate used in each tank on a sketch showing the location of each plate in the shell and heads of the tank. Copies of each sketch shall be provided to the owner and retained for at least five years by the fabricator and made available to duly identified representatives of the Interstate Commerce Commission.

(4) The direction of final rolling of the shell material shall be the circumferential orientation of the tank shell.

(b) *For chlorine.* All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine shall be made of steel conforming to the requirements of ASTM Specification A-300-58, titled "Steel Plates for Pressure Vessels for Service at Low Temperatures", Class 1, Grade A, flange or firebox quality. Impact test specimens made by the plate manufacturers shall be of the Charpy keyhole notch type and must meet impact requirements, in both longitudinal and transverse directions of rolling, of this specification at a temperature of minus 50° F.

(c) *For ammonia.* All appurtenances for anhydrous ammonia tanks shall be steel. No copper, silver, zinc, nor their alloys are permitted. Brazed joints are not permitted.

§ 78.337-3 Thickness of metal.

(a) Metal thickness shall be as required by the Code and paragraph (b) of this section, except that metal of thickness less than $\frac{3}{16}$ inch shall not be used for the shell, heads, or protective housing or devices. A corrosion allowance of 20 percent or 0.10 inch, whichever is less, shall be added to the thickness otherwise required for sulfur dioxide and chlorine tank material. In chlorine tanks the wall thickness shall be at least $\frac{5}{8}$ inch, including corrosion allowance.

(b) The minimum thickness of metal in tank shell and supports shall be such that a vector summation of the stresses

due to internal pressure (both circumferential and longitudinal) torsion, bending and acceleration (both forward and rearward) shall not exceed 25 percent of the minimum specified tensile strength of the metal. The tank and supports shall be designed on a basis of 2 "g" loading in any direction. For purposes of this rule, 2 "g" of load support is equivalent to three times the static weight of the articles supported; 2 "g" of loading in bending, acceleration, and torsion is equivalent to twice the static weight supported, applied horizontally at the road surface.

§ 78.337–4 Joints.

(a) Joints shall be as required by the Code, with all undercutting in shell and head material repaired as specified therein.

(b) Welding procedure and welder performance tests shall be made annually, in accordance with section IX of the Code, 1962 edition, with no revisions except to include the addenda issued December 31, 1963. In addition to the essential variables named therein, the following shall also be considered to be essential variables: number of passes, thickness of plate, heat input per pass, and manufacturer's identification of rod and flux. When fabrication is done in accordance with ASME Case Interpretation Nos. 1204, 1297, and 1298, filler-material of nickel-molybdenum-vanadium type shall not be used. The number of passes, thickness of plate and heat input per pass shall not vary more than 25 percent from the procedure or welder qualification. Records of the qualification shall be retained for at least five years by the tank manufacturer and made available to duly identified representatives of the Interstate Commerce Commission or the owner of the tank.

(c) All longitudinal shell welds shall be located in the upper half of the tank.

(d) Edge preparation of shell and head components may be by machine heat processes, provided such surfaces are remelted in the subsequent welding process. Where there will be no subsequent remelting of the prepared surface as in a tapered section, the final 0.050 inch of material shall be removed by mechanical means.

(e) The maximum tolerance for misalignment and butting up shall be in accordance with the Code.

(f) Substructures shall be properly fitted before attachment, and the welding sequence shall be such as to minimize stresses due to shrinkage of welds.

§ 78.337–5 Bulkheads, baffles and ring stiffeners.

(a) Not a specification requirement.

§ 78.337–6 Closure for manhole.

(a) Each tank constructed in accordance with ASME Case Interpretations Nos. 1204, 1297, and 1298, and other tanks above 3,500 gallons water capacity shall be provided with a manhole conforming to paragraph UG–46(g)(1) and other requirements of the Code.

§ 78.337–7 Overturn protection.

(a) See § 78.337–10.

§ 78.337–8 Outlets.

(a) *Outlets generally.* (1) An opening shall be provided on each tank used for the transportation of liquefied materials to afford complete drainage.

(2) With the exception of gauging devices, thermometer wells, and safety relief valves, every opening in every tank used for the transportation of compressed gases other than carbon dioxide shall be (i) closed with a plug, cap, bolted flange, or plate or (ii) protected with an excess flow valve or back flow check valve (see § 78.337–11(a)) or (iii) be fitted with a remote control valve as specified in § 78.337–11(c).

(b) *Chlorine tank valves.* (Regarding chlorine tank outlets see also § 78.337–1 (c)(2)).

(1) Chlorine tank angle valves shall conform to The Chlorine Institute Drawing 104–4, dated May 5, 1958.

(2) Chlorine tank angle valves shall be tested at not less than 225 p.s.i.g., using dry air or inert gas, before installation, and such tests shall be made before each loading or daily, whichever is less frequent. The valves and gasketed joints shall be inspected for leaks at a pressure of at least 50 p.s.i.g. after each loading and prior to shipment. Leaks which are detected shall be corrected before shipment.

§ 78.337–9 Safety relief devices, valves and connections.

(a) *Safety relief valves.* (1) Each tank shall be provided with one or more safety relief devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type and they shall be arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent any impingement of escaping gas upon the tank. For chlorine tanks, the protective housing shall be as required in § 78.337–10(c) and the safety relief valve shall conform to the standard of The Chlorine Institute, Inc., Drawing D–13105E, dated April 30, 1958.

(2) Safety relief valves on any tank shall have a total relieving capacity as determined by the flow formulas contained in the Compressed Gas Association's "Safety Relief Device Standards for Cargo and Portable Tanks" Pamphlet S–1, Part 2, 1963.

(3) Safety relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting or adjustment is external to the valve, the safety relief valve shall be provided with means for sealing the adjustment and be sealed.

(4) The safety relief valves on each tank shall be set to start to discharge at a pressure no higher than 110 percent of the tank design pressure and no lower than the pressure specified in § 73.315 (a)(1) of this chapter for the kind of gas transported.

(5) Each safety relief valve shall be plainly and permanently marked, with the pressure in p.s.i.g. at which it is set to discharge, with the actual rate of discharge of the device in cubic feet per minute of the gas or of air at 60° F. and atmospheric pressure, and with the manufacturer's name or trade name and catalog number. The start to discharge value shall be visible when the valve is installed. The rated discharge capacity of the device shall be determined at a pressure of 120 percent of the design pressure of the tank.

(6) Safety relief valves shall be installed to have direct communication with the vapor space in the tank.

(7) Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(8) No shutoff valve may be installed between the safety relief valve and the tank except, in cases where two or more safety relief valves are installed on the same tank, one or more shutoff valves may be so arranged as always to provide the required relief capacity through at least one safety relief valve.

(9) Each safety relief valve outlet shall be provided with a protective device to prevent the entrance of dirt and water. This device shall not impede the flow through the valve.

(10) On tanks for carbon dioxide and/or nitrous oxide all safety relief devices shall be so installed and located that the cooling effect of the contents will not prevent the effective operation of the devices. In addition to the required safety relief valves these tanks may be equipped with one or more pressure controlling devices.

(11) In addition to the required safety relief valves each tank for carbon dioxide may be equipped with one or more frangible disc devices of suitable design set to function at a pressure not exceeding two times the design pressure of the tank and not less than 150 percent of the tank design pressure.

(b) *Piping, valves and fittings.* (1) Welded pipe joints shall be used wherever possible. Where copper tubing is permitted, joints shall be brazed or equally strong metal union. The melting point of brazing material must be no lower than 1,000° F. Such joints shall in any event be such as not to decrease the strength of the tubing, as by the cutting of threads. Fittings shall be extra-heavy. Nonmalleable metals shall not be used in the construction of valves or fittings.

(2) The bursting strength of all piping, pipe fittings, and hose shall be at least four times the design pressure of the tank and not less than four times the pressure to which it may be subjected in service by the action of a pump or other device, except safety relief valves, the action of which may be to subject portions of the piping to pressures greater than the tank design pressure. Each coupling used on hose to make connections shall be designed for a pressure at least 20 percent in excess of the hose design pressure and shall be so designed that there will be no leakage when connected.

(3) Each valve shall be designed, constructed and marked for a rated pressure not less than the tank design pressure at the temperature expected to be encountered.

(4) Suitable provision shall be made in every case to prevent damage to piping

due to thermal expansion and contraction, jarring, and vibration. Slip joints shall not be used for this purpose.

(5) All piping, valves, hose, and fittings on every tank motor vehicle shall be proved free from leaks at not less than the tank design pressure.

(6) Piping and fittings shall be grouped in the smallest practicable space and protected from damage as required by § 78.337–10.

(7) Each portion of liquid piping or hose that can be closed at both ends must be provided with a hydrostatic safety relief valve, without an intervening shutoff valve.

(8) On tank motor vehicles for the transportation of chlorine, no piping, hose, or other means of loading or unloading may be attached to the required angle valves except at the time of loading or unloading, nor may any hose, piping, or tubing used for loading or unloading be mounted or carried on the vehicle or be considered as part of the tank motor vehicle. Except at the time of loading or unloading, the pipe connections of the angle valves must be closed with screw plugs, chained or otherwise fastened to prevent misplacement.

(9) Manifolding: See § 73.301(d) of this chapter.

(c) *Marking inlets and outlets.* All tank inlets and outlets, except safety relief valves, shall be marked to designate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling density.

(d) *Refrigeration and heating coils.* (1) Refrigeration and heating coils, when installed in any tank, shall be securely anchored, with provision for thermal expansion. They shall be tested externally to at least the tank test pressure, and internally to at least the tank test pressure or at least twice the working pressure of the heating or refrigeration system, if higher, and the tank shall not be placed in or returned to transportation service if any leakage or other evidence of damage is found in these tests. The refrigerant or heating medium to be circulated through the coils must be such as to cause no adverse chemical reaction with the tank or tank contents in case of leakage.

(2) Where any liquid susceptible to freezing, or the vapor of any such liquid, is used for heating or refrigeration, the heating or refrigeration system shall be arranged to permit complete drainage.

§ 78.337–10 Protection of fittings.

(a) All valves, fittings, safety relief devices, and other accessories to the tank proper shall be protected in accordance with paragraph (b) of this section against such damage as could be caused by collision with other vehicles or objects, jackknifing and overturning. In addition, safety relief valves shall be so protected that in the event of overturn of the vehicle on to a hard surface, their opening will not be prevented and their discharge will not be restricted.

(b) The protective devices or housing shall be designed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with the lading, using a safety factor of not less than four, based on the ultimate strength of the material to be used, without damage to the fittings protected.

(c) On each chlorine tank there shall be a protective housing and cover plate conforming to The Chlorine Institute, Inc., Drawing 137–1, dated November 7, 1962, to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

(d) Each tank motor vehicle shall be provided with at least one rear bumper designed to protect the tank and piping in the event of a rear end collision and minimize the possibility of any part of the colliding vehicle striking the tank. The design shall be such as to transmit the force of a rear end collision in a horizontal line to the chassis of the vehicle. The bumper shall be designed to withstand the impact of the fully loaded vehicle with a deceleration of 2 "g", using a safety factor of four based on the ultimate strength of the bumper material. The bumpers shall conform dimensionally to 49 CFR 193.86.

§ 78.337–11 Emergency discharge control.

(a) *Excess flow valves and back flow check valves.* (1) Where used as required in § 78.337–8(a)(2) excess flow valves or back flow check valves shall be located inside the tank or inside a welded nozzle which is an integral part of the tank.

(2) Excess-flow valves shall close automatically at the rated flow of gas or liquid as specified by the valve manufacturer. The flow rating of the piping beyond the excess flow valve shall be greater than that of the excess-flow valve and such rating shall include valves, fittings and hose. However, if branching, or necessary restrictions are incorporated in such a piping system so that flow ratings are less than that of the excess-flow valve at the tank, then additional excess-flow valves shall be installed in the piping where such flow rate is reduced.

(3) Excess-flow valves may be designed with a bypass, not to exceed a No. 60 drill size opening, to allow equilization of pressures.

(4) For chlorine tanks, excess-flow valves conforming with Chlorine Institute Drawing 101–3, dated January 23, 1959, shall be installed under each liquid angle valve and excess-flow valves, conforming with Drawing 106–1, dated July 24, 1959, shall be installed under each gas angle valve.

(b) *Shutoff valves.* Filling and discharge lines shall be provided with manual shutoff valves located as close to the tank as is practicable, except where a self-closing internal shutoff valve is used, in which case a manual shutoff valve shall be located anywhere in the line ahead of the hose connection.

NOTE 1: The use of back flow check valves or excess-flow valves to satisfy with one valve the requirements of paragraphs (a) and (b) of this section is forbidden.

(c) *Liquid discharge openings.* Every liquid discharge opening in tanks for flammable compressed gasses and for anhydrous ammonia shall be fitted with a remotely controlled internal shutoff valve. Such valve shall conform to the following requirements:

(1) The seat of the valve shall be inside the tank, or in the opening nozzle or flange or in a companion flange bolted to the nozzle or flange.

(2) All parts of the valve inside the tank, nozzle, or companion flange, shall be made of material not subject to corrosion or other deterioration in the presence of the lading.

(3) The arrangement of parts shall be such that damage to parts exterior to the tank will not prevent effective seating of the valve.

(4) The valve may be operated normally by mechanical means, by hydraulic means, or by air, or gas pressure.

(5) The valve shall be provided with remote means of automatic closure, both mechanical and thermal, in at least two places for tanks over 3,500 gallons water capacity. These remote control stations shall be located at each end of the tank and diagonally opposite of each other. The secondary thermal control mechanism shall have a fusible element with a melting point not over 200° F. Only one remote control station need be provided for tanks of 3,500 gallons water capacity, and under, and such actuating means may be mechanical.

§ 78.337–12 Shear section.

(a) Design or installation of valves specified in § 78.337–8(a)(2) shall provide adjacent to and outboard of such valves a section which will break under undue strain.

§ 78.337–13 Supports and anchoring.

(a) Tank motor vehicles with frames not made integral with the tank, as by welding, shall be provided with turnbuckles or similar positive devices for drawing the tank down tight on the frame. In addition, suitable stops or anchors shall be attached to the frame and/or the tank to prevent relative motion between them due to starting, stopping, and turning. The stops and anchors shall be so installed as to be readily accessible for inspection and maintenance, except that insulation and jacketing are permitted to cover them.

(b) Any tank motor vehicle designed and constructed so that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame shall be supported by external cradles subtending at least 120 degrees of the shell circumference. The design calculations shall include beam stress, shear stress, torsion stress, bending moment and acceleration stress for the cargo tank as a whole, using a factor of safety of four, based on the ultimate tensile strength of the material. Maximum concentrated stresses which might be created at pads and cradles due to shear, bending and torsion shall also be calculated in accordance with Appendix G of the ASME Code 1962 edition. Fully loaded vehicles shall be assumed to be operating under highway conditions equal to 2 "g" loading. The effects of fatigue shall be taken into consideration. Cargo tanks mounted on frames may be supported by longitudi-

nal members attached to pads providing the above stated factors are taken into account.

(c) Where any tank support is attached to any part of a tank head, the stresses imposed upon the head shall be provided for as required in paragraph (b) of this section.

(d) No tank support or bumper may be welded directly to the tank. All supports and bumpers shall be attached by means of pads of the same material as the tank. The pad thickness shall be no less than ¼ inch, or the thickness of the shell material if less, and no greater than the shell material. Each pad shall extend at least 4 times its thickness, in each direction, beyond the weld attaching the support or bumper. Each pad shall be preformed to an inside radius no greater than the outside radius of the tank at the place of attachment. Each pad corner shall be rounded to a radius at least one-fourth the width of the pad, and no greater than one-half the width of the pad. Weep holes and telltale holes, if used shall be drilled or punched before the pads are attached to the tank. Each pad shall be attached to the tank by continuous fillet welding using filler material having properties conforming to the recommendations of the maker of the shell and head material.

§ 78.337–14 Gaging devices.

(a) *Level gaging devices.* (1) Each cargo tank container, except tanks filled by weight, shall be equipped with one or more of the following gaging devices which indicate accurately the maximum permitted liquid level (additional gaging devices may be installed but may not be used as primary controls for filling of cargo tanks. Gage glasses shall not be permitted to be installed on any cargo tank container):

Kind of gas:	*Permitted gaging device for primary control in filling*
Anhydrous ammonia	Rotary tube; adjustable slip tube; fixed length dip tube.
Anhydrous dimethylamine	None.
Anhydrous monomethylamine	Do.
Anhydrous trimethylamine	Do.
Aqua ammonia solution containing anhydrous ammonia.	Rotary tube; adjustable slip tube; fixed length dip tube.
Butadiene, inhibited	Do.
Carbon dioxide, liquefied	Do.
Chlorine	None.
Dichlorodifluoromethane	Do.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Do.
Dichlorodifluoromethane - dichlorotetrafluoroethane mixture.	Do.
Dichlorodifluoromethane monofluorotrichloromethane mixture.	Do.
Difluoroethane	Do.
Hexafluoropropylene	Do.
Liquefied petroleum gases	Rotary tube; adjustable slip tube; fixed length dip tube.
Methyl chloride	Fixed length dip tube.
Methyl mercaptan	Rotary tube; adjustable slip tube; fixed length dip tube.
Monochlorodifluoroethane	None.
Nitrous oxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Sulfur dioxide	Fixed length dip tube.
Vinyl chloride	None.
Vinyl fluoride, inhibited	Do.

(2) A dip tube gaging device consists of a pipe or tube with a valve at its outer end, with its intake limited by an orifice not larger than 0.060 inch in diameter. If a fixed length dip tube is used the intake shall be located midway of the tank both longitudinally and laterally and at maximum permitted filling level and in tanks for transporting liquefied petroleum gases it shall be located at the level reached by the lading when the tank is loaded to maximum filling density at 40° F.

(3) If the primary gaging device is adjustable, it shall be capable of being so adjusted that the end of the tube will be in the location specified in the preceding paragraph, and exterior means shall be provided to indicate when it is so adjusted. In addition, it shall if practicable be legibly and permanently marked in increments not exceeding 20° F., or not exceeding 25 p.s.i.g. on tanks for carbon dioxide and/or nitrous oxide, to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. If it is not practicable so to mark the gaging device, this information shall be legibly and permanently marked on a suitable plate affixed to the tank in a location adjacent to the gaging device.

(4) The design pressure of each liquid level gaging device shall be no lower than that of the tank.

(b) *Pressure gages.* Each tank for carbon dioxide or nitrous oxide shall be provided with a suitable pressure gage. A shutoff valve must be installed between this gage and the tank. This gage need be used only during the filling operation.

(c) *Orifices.* All openings for dip tube gaging devices and pressure gages, except on tanks used for the transportation of nitrous oxide or carbon dioxide, shall be restricted at or inside the tank by orifices no larger than 0.060 inch in diameter.

§ 78.337–15 Pumps and compressors.

(a) Liquid pumps and gas compressors, if used, shall be of suitable design and protected against breakage by collision. They may be driven by motor vehicle power-take-off or other mechanical, electrical, or hydraulic means. Unless of centrifugal type, they shall be equipped with suitable pressure-actuated bypass valves permitting flow from discharge to suction or to the tank. Liquid pumps shall not be used on tanks for transportation of chlorine.

§ 78.337–16 Testing.

(a) *Inspection and test.* Inspection of materials of construction of the tank and its appurtenances, and original test and inspection of the finished tank and its appurtenances, shall be as required by the Code and as further required by this specification, except that for tanks constructed in accordance with ASME Case Interpretations Nos. 1204, 1297, and 1298, the original test pressure shall be at least twice the tank design pressure.

(b) *Weld testing and inspection.* (1) Each tank constructed in accordance with ASME Case Interpretations Nos. 1204, 1297, and 1298, shall be subjected, after postweld heat treatments and hydrostatic test, to a magnetic particle inspection to be made on all welds in or on the tank shell and heads, both inside and out. The method of inspection shall conform to Appendix VI of the Code, paragraphs UA 70 through UA 72, except that permanent magnets shall not be used.

(2) On tanks of over 3,500 gallons water capacity other than those described in subparagraph (1) of this paragraph unless fully radiographed, a test shall be made of all welds in or on the shell and heads both inside and outside by either the magnetic particle method, conforming to Appendix VI of the Code, liquid dye penetrant method, or ultrasonic testing in accordance with ASME Case Interpretation No. 1275–N. Permanent magnets shall not be used to perform the magnetic particle inspection.

(c) All defects found shall be repaired, the tanks shall then again be postweld heat treated, if such heat treatment was previously performed, and the repaired areas shall again be tested.

§ 78.337–17 Marking.

(a) *Metal identification plate.* Each tank shall have a noncorrosive metal plate permanently affixed by brazing or welding around its perimeter, on the right side near the front, in a place readily accessible for inspection and maintained legible. On multitank vehicles plates shall be attached to each tank at the front in a place readily accessible for inspection. Each insulated tank shall have an additional plate, as described, affixed to the jacket in the location specified. Neither the plate itself nor the means of attachment to the tank or jacket may be subject to attack by the tank contents. If the plate is attached directly to the tank by welding it shall

be welded thereto before the tank is post-weld heat treated. The plate shall be plainly marked by stamping, embossing, or other means of forming letters into the metal of the plate, with the following information in addition to that required by the Code, in characters at least ⅜ inch high:

Vehicle manufacturer.
Vehicle manufacturer's serial number.
I.C.C. specification number MC-331.
Vessel material specification number.
Water capacity in pounds (see Note 1).
Original test date.

NOTE 1. See § 73.315(a) of this chapter regarding water capacity.

(b) Each tank motor vehicle must also be marked as required by § 77.823 of this chapter.

§ 78.337-18 Certification.

(a) For each tank the tank vehicle manufacturer shall supply and the owner shall obtain the tank manufacturer's data report required by the Code, and a certificate stating that the completed tank vehicle is in complete compliance in all respects with Specification MC 331 including the Code. The certificate must be signed by a responsible official of the fabricating firm. The certificate must state whether or not it includes certification that all valves, piping, and protective devices comply with the requirements of the specification. If it does not so certify, the installer of any such valve, piping, or device shall supply and the owner shall obtain a certificate asserting complete compliance with these specifications for such devices. The certificate, or certificates, will include sufficient sketches, drawings, and other information to indicate the location, make, model, and size of each valve and the arrangement of all piping associated with the tank.

(b) The owner shall retain the copy of the data report and certificates and related papers in his files throughout his ownership of the tank and for at least one year thereafter; and in the event of change in ownership, retention by the prior owner of nonfading photographically reproduced copies will be deemed to satisfy this requirement. Each motor carrier using the tank, if not the owner thereof, shall obtain a copy of the data report and certificate and retain them in his files during the time he uses the tank and for at least one year thereafter.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 65-523; Filed, Jan. 15, 1965; 8:47 a.m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Annual Report Form P; Carriers by Pipe Line

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of December A.D. 1964:

It appearing, that the matter of annual reports of carriers by pipe line being under further consideration and, the changes to be effectuated by this order being minor changes in the data to be furnished, rule-making procedure under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.61 of the order of January 21, 1964, in the matter of Carriers by Pipe Line—Annual Report Form P, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1964, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.61 be, and it is hereby, modified and amended to read as follows:

§ 120.61 Annual reports of carriers by pipe line.

Commencing with the year ended December 31, 1964, and for subsequent years thereafter, until further order, all carriers by pipe line subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Annual Report Form P (Carriers by Pipe Line), which is attached to and made a part of this section.[1] Such report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 54 Stat. 944; 49 U.S.C. 20)

And it is further ordered, That a copy of this order and of Annual Report Form P shall be served on all carriers by pipe line subject to its provisions, and upon every trustee, receiver, executor, administrator, or assignee of any such carrier, and that notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission in Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 65-519; Filed, Jan. 15, 1965; 8:47 a.m.]

[1] Annual Report Form P filed as part of original document.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1005]

[Docket No. AO–177–A24]

MILK IN TRI-STATE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Daniel Boone Hotel, Washington and Capital Streets, Charleston, West Virginia, beginning at 10:00 a.m., on February 9, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Tri-State marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen's Co-Operative Sales Association, Huntington Interstate Milk Producers Association and Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

Proposal No. 1. Amend § 1005.51(b) as follows:

(b) Add or subtract a supply-demand adjustment of not more than 38 cents, but also not to be more than four (4) cents change from the previous month, computed as follows:

(1) Divide the total gross pounds of Class I milk (except duplications between plants) at all fluid milk plants in that month, by the total receipts of milk from producers at such plants during that month, multiplying the result by 100, and rounding to the nearest whole number, such result to be known as that month's "Class I utilization percentage". Add together the Class I utilization percentages for the second, third, and fourth previous months and divide by three to secure a result to be known as the "average Class I utilization percentage".

(2) For each full percentage point that the average Class I utilization percentage is above the applicable maximum base percentage listed below, increase the Class I price by three (3) cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below, decrease the Class I price by three (3) cents:

Month for which price is being computed	Standard utilization percentage	
	Minimum	Maximum
January	86	90
February	87	91
March	87	91
April	88	92
May	88	92
June	87	91
July	84	88
August	82	86
September	81	85
October	82	86
November	83	87
December	84	88

Proposal No. 2. Add new provisions in § 1005.71 and make necessary correlating changes in other sections of the order to provide for a take off-payback plan as follows:

* * * from the total value of all milk (sec. 70),

(a) Subtract an amount computed by multiplying the hundredweight of producer milk by twenty (20) cents in April and July and twenty-five (25) cents in May and June.

(b) Provide for repayment of the above subtracted amounts in the same calendar year by adding to the value of the milk for the following months the following percentages of the subtracted amounts—September and December, 20 percent; October and November, 30 percent.

Proposed by Dairymen's Co-Operative Sales Association and Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

Proposal No. 3. Amend § 1005.4 to combine the Charleston-Huntington and Gallipolis-Scioto districts into one district to be known as the Charleston-Huntington-Gallipolis-Scioto district in paragraph (b). Redesignate the paragraph (d)—the Athens district—as paragraph (c), delete paragraph (d).

Proposal No. 4. Amend the Class I milk price provisions of § 1005.51 to provide for the following Class I differentials in paragraph (a):

District	*All months*
Pikeville-Paintsville	$1.70
Charleston - Huntington - Gallipolis-Scioto	1.60
Athens	1.50

Proposed by Southeastern Ohio Cooperative Dairy Sales Association, Inc.:

Proposal No. 5. Amend Order No. 5 to provide for a marketwide pool and the payment of uniform pool prices in the various districts. Provide for such uniform pool prices to vary between districts by the amount of the difference of the Class I price between such districts.

Proposal No. 6. Make the necessary changes in § 1005.80 through § 1005.84 and other correlating changes to provide for the collection by the market administrator of all monies due producers or cooperative associations from handlers and the payment of such monies to producers and associations by handlers.

Proposed by Dairymen's Co-Operative Sales Association:

Proposal No. 7. In the event a marketwide pool is adopted, amend the Class I price schedule in § 1005.51 to provide for Class I differential for the Charleston-Huntington-Gallipolis-Scioto district twenty (20) cents higher than the Athens district.

Proposed by Huntington Interstate Milk Producers Association:

Proposal No. 8. Amend the Class I milk price provisions of § 1005.51 to provide for a marketwide Class I price differential of $1.50.

Proposed by Pickaway Dairy Cooperative, Inc.:

Proposal No. 9. Amend § 1005.9 after the first colon as now written to read as follows:

Provided, That any plant which qualified as a supply plant for at least three of the months of September through December, inclusive, may retain such status during the months of January through August, inclusive, next following for the purposes of § 1005.44(c) without meeting the minimum delivery requirements described above in this section during the latter months.

Proposal No. 10. In the event a marketwide pool is adopted, add a definition of "pool plant" as a provision of the order as follows:

"Pool plant" means a supply plant from which not less than 50 percent of the Class I milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants, provided that a pool plant qualifying in each of the immediately preceding months of September through December shall be a pool plant for the months of January through August unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through August during which it would otherwise not qualify as a pool plant.

Proposed by The Borden Company, Mid-West Division:

Proposal No. 11.

§ 1005.9 Supply plant.

Subject to the provisions of § 1005.61 "Supply-plant" means a pool plant pursuant to § 1005.19(b).

Proposal No. 12.

§ 1005.13 Producer.

"Producer" means any person other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a dairy farm inspection permit or equivalent certification given by a duly constituted health authority for the production of milk for fluid consumption, and whose milk is:

(a) Received at a fluid milk plant or supply plant directly from the farm of such producer or is caused to be diverted by a handler as producer milk pursuant to § 1005.17.

Proposal No. 13.

§ 1005.14 Handler.

"Handler" means:

(a) Any person who operates a fluid milk plant or supply plant;

(b) A producer-handler;

(c) Any person who operates another order plant described in § 1005.61; and

(d) A cooperative association with respect to producer milk diverted for the account of such association pursuant to § 1005.17.

Proposal No. 14.

§ 1005.17 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk:

(a) Received at a pool plant directly from producers;

(b) Diverted for the account of the operator of a pool plant to another pool plant or nonpool plant; or

(c) Diverted to a nonpool plant by an association in the capacity of a handler: *Provided*, That exclusive of the months of April through July, diversions to nonpool plants shall be limited to one-third of the days of delivery during the month.

Proposal No. 15.

§ 1005.19 Pool plant.

"Pool plant" means a plant specified in paragraphs (a) or (b) of this section except the plant of a producer-handler or a plant exempt pursuant to § 1005.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk products for Grade A disposition, it shall not be considered as a part of a pool plant pursuant to this section.

(a) A fluid milk plant from which not less than 50 percent of the total Grade A milk received at such plant (excluding milk received by diversion from a plant at which such milk is fully subject to pricing and pooling under the terms and provisions of another order issued pursuant to the Act) is disposed of during the month on routes, and not less than 10 percent of such receipts is disposed of on routes in the marketing area.

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to a pool plant(s) pursuant to paragraph (a) of this section in each of the months of September through January, such plant shall be a pool plant(s) until the end of the following August, unless the plant operator requests in writing to the market administrator that such plant(s) shall not be a pool plant; such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on basis of shipments.

Proposal No. 16. In § 1005.22 Duties. amend paragraph (d) as follows:

(d) Pay, out of the funds provided by § 1005.88.

Amend § 1005.22(f)(2) as follows:

(2) Payments pursuant to §§ 1005.80 through 1005.90;

Amend § 1005.22(j)(2) as follows:

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 1005.71 and the butterfat differential computed pursuant to § 1005.82.

(i) On or before the 13th day after the end of each month:

(1) Notify each handler of his net obligation pursuant to § 1005.70 and § 1005.71, and of any adjustments pursuant to § 1005.89.

Proposal No. 17. Section 1005.41 *Classes of utilization*, paragraph (b)(3):

(i) Disposed of for livestock feed.

(ii) Dumped, upon prior notice as prescribed by the market administrator.

Proposal No. 18. Section 1005.51 *Class I price*, paragraph (a) add the following amount each month:

Charleston-Huntington	$1.50
Athens district and Gallipolis-Scioto district	$1.40

Section 1005.51(b)(1) as follows:

(1) Compute a "current Class I utilization percentage by dividing the total gross pounds of Class I milk of all handlers (except duplications between handlers) for the second and third preceding months by the total pounds of milk received from producers by such handlers during the same months, multiplying the result by 100 and rounding to the nearest whole number.

Proposal No. 19. Delete § 1005.55 *Prices of milk transferred by one handler to another handler.*

Proposal No. 20. Delete paragraph (d) of § 1005.70 *Net obligation of handlers.*

Proposal No. 21.

§ 1005.71 Computation of uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content as follows:

(a) Add together the values of milk as computed pursuant to § 1005.70 for all handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 1005.88) to the producer-settlement fund as required by § 1005.82 for the preceding month;

(b) Subtract if the weighted average butterfat test of all producer milk represented in the sum computed under paragraph (a) of this section is greater than 3.5 percent, or add if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 1005.82 times 10;

(c) Subtract for each of the months of April, May, June and July, an amount computed by multiplying the total hundredweight of milk received from producers during such month by 20, 25, 25, 20 cents, respectively.

(d) Add for each of the months of September, October, November and December, 20, 30, 30 and 20 percent, respectively, of the total amount subtracted during the immediately preceding April–July period pursuant to paragraph (c) of this section;

(e) Add the sums of the values of the location differentials allowable pursuant to § 1005.85;

(f) Add the unobligated balance in the producer-settlement fund;

(g) Divide by the total hundredweight of producer milk pooled pursuant to paragraph (a) of this section; and

(h) Subtract not less than four cents or more than five cents per hundredweight.

Proposal No. 22.

§ 1005.85 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to § 1005.86 shall be deposited in this fund, and all payments made pursuant to § 1005.87 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 1005.71(c) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for purposes of effectuating § 1005.71(d); and

(c) The difference between the amount added pursuant to § 1005.71(f) and the amount resulting from the subtraction pursuant to § 1005.71(h) shall be deposited in, or withdrawn from, the fund as the case may be.

Proposal No. 23.

§ 1005.86 Payments to producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator his obligation for milk for such month of which he is notified pursuant to § 1005.22(j)(2) less the amount paid out to each producer in accordance with § 1005.80, less the amount of deductions and charges authorized by such producer which are itemized on the handlers' payroll: *Provided*, That in the calculation of the total amount of such deductions

and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to each producer in accordance with § 1005.80 (inclusive of the deductions and charges authorized by § 1005.80) will not exceed the total value of the milk received from such producer.

Proposal No. 24.

§ 1005.87 Payments to producers.

(a) The market administrator shall compute payments due each producer for milk received by each handler from whom the appropriate payments have been received pursuant to § 1005.71(a) at the uniform price computed pursuant to § 1005.71, subject to the following adjustments:

(1) The butterfat differential pursuant to § 1005.82;

(2) The location differential pursuant to § 1005.83;

(3) Less marketing service deductions pursuant to § 1005.84;

(4) Less proper deductions authorized in writing by the producer: *Provided*, That for producers who are members of a cooperative association which receives payment pursuant to paragraph (b) of this section, such authorization for hauling and assignments shall be by the cooperative association; and

(b) In making payments to producers pursuant to paragraph (a) of this section, the market administrator shall pay on or before the 16th day after the end of the month to:

(1) A cooperative association qualified under § 1005.80(b) which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such association to receive such payments; and

(2) Each handler an amount, if any, by which payments to producers for milk required pursuant to paragraph (c) of this section, before deductions for marketing services, exceeds the amount deducted pursuant to § 1005.86.

(c) On or before the 18th day after the end of each month, each handler shall pay each producer who is not a member of a cooperative association qualified pursuant to § 1005.80(b) and for whom a written request to make payments has been filed by the handler with the market administrator, for milk received from him during the month at not less than the uniform price as adjusted pursuant to paragraphs (a) (1), (2), (3) and (4) of this section; and

(d) In making payments to producers pursuant to paragraphs (a), (b), and (c) of this section, the payer shall furnish each producer with a supporting statement which shall show for each month:

(1) The month and identity of the handler and the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The amount or the rate per hundredweight of milk and nature of each deduction claimed by the handler; and

(5) The net amount of payment to such producer.

Proposal No. 25. Change the following sections:

§§ 1005.85 to 1005.88, §§ 1005.86 to 1005.89, §§ 1005.87 to 1005.90, §§ 1005.88 to 1005.91, §§ 1005.90 to 1005.100 etc.

Proposed by Beatrice Foods Company:

Proposal No. 26. Amend § 1005.4(b) and expand the Tri-State marketing area to include Greenbrier County, West Virginia, in the Charleston-Huntington district.

Proposal No. 27. Amend § 1005.51(a) to provide for a uniform year-round Class I differential over the basic formula price for the preceding month in the Charleston-Huntington district of $1.34, and correspondingly change the Class I price differential in the other districts of the Tri-State marketing area.

Proposed by Ideal Milk Company, Lawson Dairy and Schmitt Dairy:

Proposal No. 28. Amend § 1005.4 of the Tri-State milk marketing Order No. 5 to combine Gallipolis-Scioto district and Athens district into one district and to be known as Gallipolis-Scioto-Athens district in paragraph (c), and delete paragraph (d).

Proposal No. 29. Amend the Class I provisions of § 1005.51 of the Tri-State milk marketing Order No. 5, to provide for the following Class I differentials in subparagraph (2):

District	*All months*
Pikeville-Beckley	$1.59
Charleston-Huntington	1.49
Gallipolis-Scioto-Athens	1.34

Proposal No. 30. Make necessary revisions in the supply-demand adjustment in § 1005.51(b) of the Tri-State milk marketing Order No. 5, so that all producer milk produced for a handler, whether received by the handler or diverted to a supply plant, be added into total pounds produced and available for utilization before the computation of the supply-demand utilization percentage is determined.

Proposal No. 31. Amend § 1005.70 of the Tri-State milk marketing Order No. 5, to provide a take away-payback seasonal pricing plan to provide a higher winter price for the producer and provide the handler an adequate winter supply of producer milk.

Proposed by Fairmont Foods Company:

Proposal No. 32. In § 1005.30 *Report of receipts and utilization*, opening paragraph delete "the 5th day" and insert either, "the 7th day" or "5th working day".

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 33. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred W. Issler, Post Office Box 33, 19 Locust Street, Gallipolis, Ohio, 45631, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on January 12, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65–518; Filed, Jan. 15, 1965; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 604, 606, 683, 690]

[Administrative Order 589]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 72–A for the retailing, wholesaling, and warehousing industry in Puerto Rico (formerly entitled the "wholesaling, warehousing, and other distribution industry in Puerto Rico," and defined in 29 CFR 683.1); Industry Committee No. 72–B for the electrical, instrument, and related products industry in Puerto Rico (as defined in 29 CFR 606.1); and the metal, machinery, transportation equipment, and allied products industry in Puerto Rico (as defined in 29 CFR 604.1); and Industry Committee No. 72–C for the fabricated plastic products industry in Puerto Rico (as defined in 29 CFR 690.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following: (1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce (except those industries and parts thereof described in 29 CFR 604.2(a), 604.2(b), 604.2(c), 606.2(a), 606.2(b), 606.2(c), 683.2(a), and 690.2(a)), and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary

or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 72–A shall meet in executive session to commence its investigation at 9:30 a.m. on March 29, 1965, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:00 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 72–B and 72–C shall meet seriatim at the same place at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.25 per hour, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.15 per hour for immediate effect and $1.25 per hour for effect on and after September 3, 1965, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of such reports may be obtained at the Washington, D.C. and Puerto Rican offices of the Wage and Hour and Public Contracts Divisions as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of these industry committees is governed by 29 CFR Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than March 19, 1965.

Signed at Washington, D.C., this 11th day of January 1965.

W. Willard Wirtz,
Secretary of Labor.

[F.R. Doc. 65–534; Filed, Jan. 15, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 63–SO–41]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the control zones at Hickory and Charlotte, N.C. and designate transition areas at Hickory, Charlotte, Monroe and Salisbury, N.C.

The Hickory, N.C., control zone is presently designated within a 5-mile radius of Hickory Airport, and within 2 miles either side of the Hickory VOR 223° and 043° radials extending from the 5-mile radius zone to 5 miles NE of the VOR.

The Charlotte, N.C., control zone is presently designated within a 5-mile radius of Douglas Airport, Charlotte, N.C. (latitude 35°12'58" N., longitude 80°56'22" W.); within 2 miles either side of the Fort Mill, S.C., VOR 004° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Douglas Airport ILS localizer SW course extending from the 5-mile radius zone to the OM.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Hickory, Charlotte, Salisbury and Monroe, N.C., terminal areas, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth.

1. The Hickory, N.C., control zone would be redesignated within a 5-mile radius of the Hickory Municipal Airport (latitude 35°44'24" N., longitude 81°-23'30" W.) and within 2 miles each side of the Hickory VOR 223° radial, extending from the 5-mile radius zone to the VOR.

2. The Charlotte, N.C., control zone would be redesignated within a 5-mile radius of Douglas Airport (latitude 35°12'58" N., longitude 80°56'22" W.); within 2 miles each side of the Charlotte ILS localizer SW course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charlotte VOR 223° radial, extending from the 5-mile radius zone to 6 miles SW of the VOR; within 2 miles each side of the Charlotte VOR 058° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR; and within a 1.5-mile radius of the Carpenter Airport (latitude 35°08'03" N., longitude 80°57'51" W.).

3. The Hickory, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Hickory Municipal Airport (latitude 35°44'24" N., longitude 81°23'30" W.) within a continuous corridor 2 miles each side of the Hickory VOR 223° and 058° radials, extending from the 8-mile radius area to 8 miles NE of the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles NW and 8 miles SE of the Hickory VOR 058° radial, extending from the VOR to 12 miles NE of the VOR; within 5 miles NW and 8 miles SE of the 043° bearing from a reference point at latitude 35°44'00" N., longitude 81°23'30" W., extending from the reference point to 12 miles NE.

4. The Charlotte, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Douglas Airport (latitude 35°12'58" N., longitude 80°56'22" W.); within 2 miles each side of the Charlotte VORTAC 223° radial, extending from the 7-mile radius area to 8 miles SW of the 133° bearing from the Charlotte ILS LOM; within 2 miles each side of the Fort Mill VOR 011° radial, extending from the 7-mile radius area to the VOR; within 2 miles each side of the Charlotte VORTAC 003° radial, extending from the 7-mile radius area to 13 miles N of the VORTAC; within 2 miles each side of the Charlotte VORTAC 169° radial, extending from the 7-mile radius area to 8 miles S of the 103° bearing from the Charlotte ILS LOM; within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 7-mile radius area to 8 miles NE of the Ft. Mill VOR 016° radial; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at the intersection of the N boundary of V–20 and longitude 81°30'00" W., extending S along longitude 81°30'00" W. to the S boundary of V–66, thence NE along the S boundary of V–66 to the arc of a 30-mile circle centered at Douglas Airport, thence counterclockwise along this arc to the E boundary of V–37, thence S along the E boundary of V–37 to a line extending from latitude 34°30'00" N., longitude 81°02'00" W. to the intersection of a 60-mile arc centered at Shaw AFB, Sumter, S.C. (latitude 33°58'15" N., longitude 80°28'19" W.) and the W boundary of V–155, thence NE along this line to a line 10 miles E of and parallel to the centerline of V–37, thence N along this line to the arc of a 30-mile circle cen-

tered at the Douglas Airport, thence counterclockwise along this arc to latitude 34°55'00" N., thence SE to the point where a line extended from latitude 34°30'00" N., longitude 81°02'00" W. to the intersection of a 60-mile arc centered at Shaw AFB and the W boundary of V-155 crosses longitude 80°16'00" W., thence to the intersection of a 60-mile arc centered at Shaw AFB and the W boundary of V-155, thence N along a line extending from the Chesterfield, S.C., VOR to the Liberty, N.C., VOR to the arc of a 55-mile circle centered at Douglas Airport, thence counterclockwise along this arc to the E boundary of V-37, thence S along the E boundary of V-37 to the N boundary of V-20, thence SW along the N boundary of V-20 to the point of beginning.

5. The Monroe, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Shute Airport (latitude 35°00'09" N., longitude 80°33'51" W.); within 2 miles each side of the 117° bearing from a reference point at latitude 34°59'00' N., longitude 80°30'45" W., extending from the 4-mile radius area to 8 miles SE of the reference point.

6. The Salisbury, N.C., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 4-mile radius of the Rowan County Airport (latitude 35°38'00" N., longitude 80°31'00" W.); within 2 miles each side of the 023° bearing from a reference point at latitude 35°40'30" N., longitude 80°30'30" W., extending from the 4-mile radius area to 8 miles NE of the reference point.

The proposed control zone alterations and transition area designations are required to protect prescribed instrument approach and departure procedures at Douglas, Hickory Municipal, Shute, and Rowan County Airports. They are also required for the protection of approved holding patterns and aircraft being radar vectored by Atlanta Center and Charlotte Approach Control.

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

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

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

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

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

Issued in East Point, Ga., on January 7, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-503; Filed, Jan. 15, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-60]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 431 from Keene, N.H., direct to Glens Falls, N.Y.

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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal 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. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief .

Warren County Airport at Glens Falls and Dillant-Hopkins Airport at Keene are permanent air carrier stops served by Mohawk Airlines, thereby qualifying for the most direct connecting route possible. Traffic operating between Glens Falls and Keene presently is cleared via VOR Federal airways Nos. 431 and 490 to the Newfane, Vt., intersection, direct to Keene, which is a distance of 73 nautical miles. A direct airway between Glens Falls and Keene would reduce this distance by 6 nautical miles. Therefore, it is proposed that V-431 be altered by revoking the segment between the Glens Falls VOR and the Cambridge, N.Y., VOR, and redesignating the airway, in part from Glens Falls to Keene via direct radials.

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

Issued in Washington, D.C., on January 11, 1965.

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

[F.R. Doc. 65-504; Filed, Jan. 15, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-63]

VOR FEDERAL AIRWAYS

Proposed Realignment and Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airways Nos. 44, 123, 268, and 433 and that would redesignate the reduced width-segments of VOR Federal airways Nos. 16 and 837 as normal, full-width segments.

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, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal 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. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In order to provide conformity with the low altitude traffic flow procedures currently used by air traffic control for aircraft operating from the Washington National Airport terminal to the New York and Boston terminal areas, the following airspace actions are proposed:

1. Realignment of the segment of VOR Federal airway No. 44 from Baltimore, Md., to Kenton, Del., via the intersection

of the Baltimore 095° and Kenton 261° True radials, excluding the portion which lies within Restricted Area R–4001.

2. Realignment of the segment of VOR Federal airway No. 123 from Washington, D.C., to Woodstown, N.J., via the intersection of the Baltimore, Md., 223° and the Kenton, Del., 261° True radials; intersection of the Kenton 261° and the Woodstown 230° True radials.

3. Realignment of the segment of VOR Federal airway No. 268 from Baltimore, Md., to Kenton, Del., via the intersection of the Baltimore 095° and Kenton 261° True radials, excluding the portion which lies within Restricted Area R–4001.

4. Realignment of the segment of VOR Federal airway No. 433 from Washington, D.C., to New Castle, Del., via the intersection of the Baltimore, Md., 223° and the Kenton, Del., 261° True radials; intersection of the Kenton 261° and the New Castle 222° True radials; excluding the portion which lies within Restricted Area R–4001.

Realignment of these airways, as proposed, would eliminate verbose clearances identifying specific radials for aircraft departing from Washington for the New York and Boston terminal areas. The proposed realignments would provide laterally separated airways at the Washington-New York ARTC Center boundary, and thereby permit the New York Center to effect section segregation of traffic entering the area.

Additionally, redesignation of the reduced-width segments of V–16 and V–837 from Nottingham, Md. to Kenton, Del. as normal, full-width segments is proposed. This action is possible since the requirement for the reduced width of these airway segments would be negated if the proposed realignment of the segments of V–123 and V–433 from Washington via the intersection of the Baltimore 223° and the Kenton 261° True radials is adopted.

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

Issued in Washington, D.C., on January 11, 1965.

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

[F.R. Doc. 65–505; Filed, Jan. 15, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64–CE–90]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Revocation, and Designation

Correction

In F.R. Doc. 65–194, appearing in the issue for Friday, January 8, 1965, at page 226, in paragraph 4 on page 227, line 17, "latitude 93°44'00" N." should read "latitude 39°44'00" N.".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 15735]

SATELLITE COMMUNICATIONS

Order Extending Time for Filing Reply Comments

In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to ownership and operation of the initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system, Docket No. 15735, RM–644.

The Commission having before it a request filed on January 8, 1965, by the Communications Satellite Corp. (ComSat) that the time for filing reply comments in the above-captioned proceeding be extended to January 25, 1965.

It appearing, that additional time is required by ComSat for the preparation of meaningful reply comments and that said comments will be useful to the Commission in resolving the issues in this proceeding;

It is ordered, This 11th day of January 1965, pursuant to § 0.303(c) of the Commission's rules and regulations, that the time for filing reply comments is extended from January 18, 1965, to January 25, 1965.

Released: January 12, 1965.

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

[F.R. Doc. 65–510; Filed, Jan. 15, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–7506]

INSIDER TRADING

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of an amendment to Rule 16b–3 (17 CFR 240.16b–3) under the Securities Exchange Act of 1934. The amendment would revise the condition to the exemption provided by that Rule, which requires that employee plans of various types must be approved by shareholders solicited substantially in accordance with the Commission's proxy rules, so as to require only that such plans be approved by the vote or written consent of shareholders obtained in accordance with the applicable law of the companies jurisdiction of incorporation, provided that shareholders are furnished the information required by such proxy rules prior to the later of the first annual meeting after registration of an equity security under section 12 of the Exchange Act, or the first annual meeting after the acquisition of the equity security for which exemption is claimed.

Rule 16b–3 was adopted pursuant to section 16(b) of the Act, which was enacted for the purpose of preventing the unfair use of information in short-term trading by persons owning beneficially more than 10 percent of any class of equity security which is registered pursuant to section 12 of the Act and by directors and officers of the issuer of such security. Section 16(b) provides that profits realized by such persons from the purchase and sale, or the sale and purchase, of any equity security of the company, within a period of less than six months, inure to and are recoverable by or on behalf of the company. Rule 16b–3 provides an exemption from section 16(b) for shares of stock (other than stock acquired upon the exercise of an option, warrant, or right) acquired by an officer or director pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings or similar plan meeting specified conditions. The rule also exempts the acquisition of an option pursuant to a "qualified" or a "restricted" stock option plan, or a stock option pursuant to an "employee stock purchase plan."

One of the conditions to this exemption is that the plan must have been approved by a majority of shareholders present or represented and entitled to vote at a meeting of shareholders or by the written consent of a majority of shareholders entitled to vote, and such vote or written consent must have been solicited substantially in accordance with the Commission's proxy rules under section 14(a) then in effect, if any, whether or not such rules were applicable to the company at the time of shareholder approval.

In the past this requirement has caused no problem when Section 16(b) applied only to companies which were listed and registered on a national securities exchange since most of these companies had either been subject to these rules for a number of years or were able to make the necessary arrangements before listing. Now many companies will be subject to these rules for the first time when they register under new section 12(g) of the Act.[1] It is anticipated that some of these companies have plans which have existed for some time and in which officers and

[1] New section 12(g) was added to by the Securities Act Amendments of 1964 signed by President Johnson on August 20, 1964. This section requires an issuer with total assets exceeding $1,000,000 to register each class of nonexempt equity security held of record by 750 or more persons on a fiscal year end after July 1, 1964 and each such class held of record by 500 or more persons at a fiscal year end after July 1, 1966. These amendments are more fully described in Securities Exchange Act Release No. 7425 (29 F.R. 13455, September 30, 1964.)

directors have certain vested interests, and that many of these plans have been approved by the vote or written consent of shareholders in accordance with the applicable law of the company's jurisdiction of incorporation but not solicited in accordance with the Commission's proxy rules since such rules were not then applicable.

The amendment to Rule 16b–3 would extend the exemption provided thereby to such plans which have been so approved by shareholders. Companies would thus obtain the benefits of the exemption provided by Rule 16b–3 without again submitting such plans for shareholder approval where the original vote or written consent was not obtained substantially in accordance with the Commission's proxy rules.

The amendment provides, however, that where such vote or written consent has not been solicited substantially in accordance with the rules and regulations under section 14(a) that the issuer shall furnish in writing to securityholders of the issuer, the information concerning the plan which would be required by such rules and regulations then in effect if proxies were being solicited at the time such information is furnished to shareholders.

In order to provide issuers with sufficient time to prepare and forward the necessary information to securityholders, the rule would require that such information be furnished on or prior to the date of the first annual meeting of securityholders held subsequent to the later of (a) the first registration of an equity security under section 12 of the Act, or (b) the acquisition of an equity security for which exemption is claimed. The exemption provided by Rule 16b–3 would be conditionally available until such information is sent to securityholders or, if such information is not sent, until the annual meeting date specified by the proposed amendment to the rule.

The proposed amendment would also require that four copies of the written information forwarded to securityholders be filed with, or mailed for filing to, the Commission not later than the date on which it is first sent or given to shareholders.

The portion of Rule 16b–3 proposed to be amended by the Commission is as follows:

§ 240.16b–3 Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option or similar plans.

Any acquisition of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings or similar plan, or any acquisition of a qualified or a restricted stock option pursuant to a qualified or a restricted stock option plan, or of a stock option pursuant to an employee stock purchase plan, by a director or officer of the issuer of such stock or stock option shall be exempt from the operation of section 16(b) of the act if the plan meets the following conditions:

(a) The plan has been approved, directly or indirectly, (1) by the affirmative votes of the holders of a majority of the securities of the issuer present, or represented, and entitled to vote at a meeting duly called and held in accordance with the applicable laws of the State or other jurisdiction in which the issuer was incorporated, or (2) by the written consent, obtained in accordance with such laws, of the holders of a majority of the securities of the issuer entitled to vote: *Provided, however,* That if such vote or written consent was not solicited substantially in accordance with the rules and regulations, if any, then in effect under section 14(a) of the act, the issuer shall furnish in writing to security holders of the issuer the information concerning the plan which would be required by the rules and regulations then in effect under section 14(a) of the act, if proxies were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of (a) the first registration of an equity security under section 12 of the act, or (b) the acquisition of an equity security for which exemption is claimed. Four copies of such written information shall be filed with, or mailed for filing to, the Commission not later than the date on which it is first sent or given to security holders of the issuer. For the purposes of this paragraph, the term "issuer" includes a predecessor corporation if the plan or obligations to participate thereunder were assumed by the issuer in connection with the succession.

* * * * *

(Sec. 16, 48 Stat. 896, as amended, 15 U.S.C. 78p)

All interested persons are invited to submit their views and comments on the proposed amendment to the rule, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before February 12, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, January 12, 1965.

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

[F.R. Doc. 65–526; Filed, Jan. 15, 1965; 8:48 a.m.]

[17 CFR Part 249]

[Release No. 34–7496]

REGISTRATION STATEMENTS

Notice of Proposed Form

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Form 12 under the Securities Exchange Act of 1934. This form would be used for the registration of securities on a national securities exchange pursuant to section 12(b) of the Act or for the registration of equity securities pursuant to the recently enacted section 12(g) of the Act by certain issuers which file reports with the Federal Power Commission, the Interstate Commerce Commission or the Federal Communications Commission.

At the present time such issuers register on Form 10 (listed and described in 17 CFR 249.210). General Instructions E and F in that form provide that an application for registration filed by such issuers may consist chiefly of copies of reports filed with the regulatory agencies referred to above. It is proposed to delete those General Instructions from Form 10 and provide the new form for companies reporting to those agencies. This would simplify Form 10 and also provide for companies using Form 12 a form adapted to their particular circumstances. Registration statements on the new form would consist largely of copies of the annual reports of such issuers to the other Federal agencies together with certain other exhibits, including copies of material contracts. However, use of the proposed form would be optional and any issuer could use Form 10 if it desires to do so.

In the form the term "registration statement" is used to refer both to an application for registration of securities on a national securities exchange and to a registration statement filed pursuant to section 12(g) of the Act. It is proposed to include in the General Rules and Regulations a definition of the quoted term which will make its applicability clear.

The facing sheet of this form asks for the registrant's I.R.S. number. This information is requested solely for purposes of identification in connection with the Commission's proposed automatic data processing program.

A copy of the proposed new form appears below.

All interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before February 8, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, January 8, 1965.

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

§ 249.212 Form 12, for issuers which file reports with certain other Federal agencies.

The following form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 by any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last three fiscal years contained financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S–X (17 CFR Part 210), or any issuer which files annual reports pursuant to section 20 of the Interstate Commerce Act, section 220 of the Motor Carriers Act of 1935 or section 219 of the Communication Act of 1934.

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form 12.*

This form may be used for registration pursuant to section 12 (b) or (g) of the Securi-

ties Exchange Act of 1934 of securities issued by any of the issuers specified below:

(a) Any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last three fiscal years contained financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (17 CFR Part 210).

(b) Any issuer which files annual reports pursuant to section 20 of the Interstate Commerce Act, section 220 of the Motor Carriers Act, 1935, or section 219 of the Communications Act of 1934.

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act (17 CFR Part 240) contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR § 240.12b-1 to 240.12b-36) which contains general requirements regarding matters such as the kind and size of paper to be used, legibility, information to be given whenever the title of securities is required to be stated, and the filing of the registration statement. The definitions contained in Rule 12b-2 (17 CFR 240.12b-2) should be especially noted.

C. *Preparation of Registration Statement.*

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b-12 (17 CFR 240.12b-12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b-13 (17 CFR 240.12b-13).

D. *Signature and Filing of Registration Statement.*

Two complete copies of the registration statement, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy of each statement shall be filed with each exchange on which registration is applied for. At least one of the copies of each statement filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C., 20549

FORM 12

FOR REGISTRATION OF SECURITIES PURSUANT TO SECTION 12 (b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its charter)

(State of incorporation or organization) (IRS tax number)

(Address of principal executive offices) (Zip Code)

Securities to be registered pursuant to section 12(b) of the Act:

Title of each class

Name of each exchange on which to be registered

Securities to be registered pursuant to section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. Number of Equity Security Holders.

State in the tabular form indicated below, as of a specified date, the approximate number of holders of record of each class of equity securities of the registrant. As to each such class which is registered or to be registered pursuant to section 12 of the Act, state the total number of shares or other units known by the registrant to be held for the account of customers in "street names;" i.e., in the names of brokers, dealers and their nominees.

(A) Title of class	(B) Number of record holders	(C) Amount held in "street names"

Instructions. 1. Attention is directed to the definition of the term "equity security" in Section 3(a)(11) of the Act.

2. The information shall be given as of the end of the last fiscal year or as of any subsequent date, except that if the latest determination of the number of record holders of any class of equity securities was made for some other purpose within 90 days prior to the end of the last fiscal year, the information with respect to such class may be given as of the date of such determination.

Item 2. Capital Stock To Be Registered.

If capital stock is to be registered hereunder, state the title of the class and furnish the following information (See Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions, and (8) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities, comparable to that required here, is contained in any other filing with the Commission, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

3. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities to be registered.

Item 3. Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the registrant or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction. The instructions to Item 2 shall also apply to this item.

Item 4. Other Securities To Be Registered.

If securities other than those referred to in Items 2 and 3 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 2 shall also apply to this item.

Item 5. Exhibits.

List below all exhibits filed as a part of the registration statement:

SIGNATURE

Pursuant to the requirements of Section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereto duly authorized.

(Registrant)

Date---------- By----------

(Signature)*

*Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b-32 (17 CFR 240.12b-32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the registration statement

on this form. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be set forth in the list of exhibits called for by Item 5.

1. Copies of the charter and bylaws or instruments corresponding thereto as presently in effect.

2. (a) Specimens or copies of all securities to be registered hereunder, and copies of all constituent instruments defining the rights of holders of long-term debt of the registrant and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not to be registered hereunder if the total amount of securities thereunder does not exceed 5% of the total assets of the registrant and its subsidiaries on a consolidated basis and if there is filed an agreement to furnish a copy of such instrument to the Commission upon request, or copies of instruments evidencing scrip certificates for fractions of shares.

3. Copies of all pension, retirement or other deferred compensation plans, contracts or arrangements. If any such plan, contract or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any available booklet or other written description of any such plan, contract or arrangement shall also be filed.

4. Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants or rights to purchase securities of the registrant or its subsidiaries from the registrant or its affiliates have been issued, together with specimen copies of such options, warrants or rights; or, if they were not issued pursuant to such a plan, copies of each such option, warrant or right.

5. Copies of any voting trust or similar agreement, known to the registrant, relating to more than 10 percent of any class of securities to be registered hereunder.

6. (a) Copies of every material contract not made in the ordinary course of business which is to be performed in whole or in part at or after the filing of the registration statement. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assignment, or in which the registrant or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustees, or persons owning of record or known to own beneficially more than 10 percent of any class of equity securities of the registrant, are parties thereto, except where the contract merely involves the purchase or sale of current assets having a determinable price, at such price;

(2) The registrant's business is substantially dependent upon it;

(3) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of all fixed assets of the registrant and its consolidated subsidiaries;

(4) It is a lease under which a significant part of the property of the registrant and its subsidiaries is held; or

(5) The amount of the contract, or its importance to the business of the registrant and its subsidiaries, are material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any management contract or bonus or profit-sharing plan, contract or arrangement (or if not set forth in any formal document, a written description thereof), except contracts providing for labor bonuses or payments to a class of security holders, as such, shall be deemed material and shall be filed.

7. If the registrant files annual reports with the Federal Power Commission, furnish copies of the following reports and statements:

(1) The registrant's annual report to stockholders for each of its last three fiscal years and its annual reports to the Federal Power Commission for each such fiscal year;

(2) The annual reports to the Federal Power Commission on Form No. 1 or Form No. 2 filed by each majority-owned subsidiary of the registrant, which filed such a report, for each of its last three fiscal years; and

(3) For each other majority-owned subsidiary of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements called for by the form appropriate for registration of securities of such subsidiary.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

8. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, furnish copies of the following reports and statements:

(1) the registrant's annual reports to the Interstate Commerce Commission or the Federal Communications Commission on either a separate or system basis for each of the last three fiscal years;

(2) its annual reports to stockholders, if any, covering the comparable period (if no such reports were published, the registrant should so state in the list of exhibits called for by Item 5);

(3) the annual reports to the Interstate Commerce Commission or the Federal Communications Commission (on either a separate or system basis) for each of the last three fiscal years of each majority-owned subsidiary of the registrant which filed such reports and which is not included in the system reports filed pursuant to clause (1) above, and

(4) for each majority-owned subsidiary of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (1), (2) or (3) above, the financial statements (which need not be certified) called for by the appropriate form for registration of securities of such subsidiary.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(Secs. 12 and 23, 48 Stat. 892 and 901 as amended, 15 U.S.C. 78l and 78w)

[F.R. Doc. 65-527; Filed, Jan. 15, 1965; 8:48 a.m.]

[17 CFR Part 249]

[Release No. 34-7407]

ANNUAL REPORTS

Notice of Proposed Form

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Form 12-K under the Securities Exchange Act of 1934. This form would be used for annual reports pursuant to section 13 or 15(d) of that Act by certain issuers which file annual reports with the Federal Power Commission, the Interstate Commerce Commission or the Federal Communications Commission.

Such issuers now file annual reports on Form 10-K (listed and described in 17 CFR 249.310). General Instructions H and I of that form provide that an annual report by such issuers may consist chiefly of copies of their annual reports filed with the regulatory agencies referred to above. It is proposed to delete those General Instructions from Form 10-K and provide the new Form 12-K for use by such issuers. This would simplify Form 10-K for issuers which use that form and also provide for issuers reporting to the Federal agencies referred to above a form adapted to their particular circumstances. Annual reports on the new form would consist largely of copies of the annual reports of such issuers to the other Federal agencies together with certain other exhibits. However, use of the proposed form would be optional and any issuer could use Form 10-K if it desires to do so.

The facing sheet of this form asks for the registrant's I.R.S. number. This information is requested solely for purposes of identification in connection with the Commission's proposed automatic data processing program.

A copy of the proposed form is attached hereto.

All interested persons are invited to submit their views and comments on the proposed form, in writing, to the Securities and Exchange Commission Washington, D.C., 20549, on or before February 8, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, January 8, 1965.

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

§ 249.312 Form 12-K, annual report for issuers which file reports with certain other Federal agencies.

The following form may be used for annual reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by any issuer which files annual reports with the Federal Power Commis-

sion on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last fiscal year contains financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (17 CFR Part 210), or any issuer which files annual reports pursuant to section 20 of the Interstate Commerce Act, section 220 of the Motor Carriers Act, 1935 or section 219 of the Communication Act of 1934.

GENERAL INSTRUCTIONS

A. *Rules as to Use of Form 12-K.*

(a) This form may be used by the issuers specified below for annual reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934:

(1) Any issuer which files annual reports with the Federal Power Commission on that Commission's Form No. 1 or Form No. 2 and whose annual report to stockholders for its last fiscal year contains financial statements (other than schedules) prepared and certified substantially in accordance with Regulation S-X (17 CFR Part 210).

(2) Any issuer which files annual reports pursuant to Section 20 of the Interstate Commerce Act, Section 220 of the Motor Carriers Act, 1935, or Section 219 of the Communications Act of 1934.

(b) Reports on this form shall be filed within 120 days after the end of the fiscal year covered by such reports. However, if the time for filing an annual report with the Interstate Commerce Commission or the Federal Communications Commission is extended beyond the end of the 120-day period in any year, the registrant may file its report on this form within ten days after the extended date, provided the Securities and Exchange Commission is promptly advised of such extension.

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act (17 CFR Part 240) contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b-1 to 240.12b-36) which contains general requirements regarding matters such as the kind and size of paper to be used, the legibility of the report, the information to be given whenever the title of securities is required to be stated, and the filing of the report. The definitions contained in Rule 12b-2 (17 CFR 240.12b-2) should be especially noted. See also Regulations 13A and 15D (17 CFR 240.13a-1 to 240.-13a-15 and 240.15d-1 to 240.15d-21).

C. *Preparation of Report.*

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the report on paper meeting the requirements of Rule 12b-12 (17 CFR 240.12b-12). The report shall contain the item numbers and captions of all items required to be answered, but the text of such items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b-13 (17 CFR 240.12b-13).

D. *Signature and Filing of Report.*

Two complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy shall be filed with each exchange on which any security of the registrant is registered. At least one of the copies filed with the Commission and one copy filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C., 20549

FORM 12-K

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended _____

Commission file number _____

_____

(Exact name of registrant as specified in its charter)

_____

(State of incorporation or organization)

_____

(IRS tax number)

_____

(Address of principal executive offices)

_____

(Zip Code)

Securities registered pursuant to Section 12(b) of the Act:

Title of each class so registered

_____

_____

Name of each exchange on which each class is registered

_____

_____

Securities registered pursuant to Section 12(g) of the Act:

_____

(Title of class)

_____

(Title of class)

INFORMATION REQUIRED IN REPORT

Item 1. Number of Equity Security Holders.

State in the tabular form indicated below, as of a specified date, the approximate number of holders of record of each class of equity securities of the registrant. As to each such class which is registered pursuant to Section 12 of the Act, state in Column (C) the number of shares or other units known by the registrant to be held for the account of customers in "street names;" i.e., in the names of brokers, dealers and their nominees.

(A) Title of class	(B) Number of record holders	(C) Amount held in "street names"

Instructions. 1. Attention is directed to the definition of the term "equity security" in Section 3(a)(11) of the Act.

2. The information shall be given as of the end of the last fiscal year or as of any subsequent date, except that if the latest determination of the number of record holders of any class of equity securities was made for some other purpose within 90 days prior to the end of the last fiscal year, the information with respect to such class may be given as of the date of such determination.

Item 2. Increases and Decreases in Outstanding Equity Securities.

Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the registrant outstanding:

(a) The title of the class of securities involved;

(b) The date of the transaction;

(c) The amount of securities involved and whether an increase or decrease;

(d) A brief description of the transaction in which the increase or decrease occurred, if not previously reported, and

(e) If the transaction involved a sale not previously reported of securities which were not registered under the Securities Act of 1933, an indication of the exemption claimed and the facts relied upon to make the exemption available.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the registrant's balance sheet for its previous fiscal year. Similar or related transactions, or numerous small transactions, may be grouped together showing the dates between which all such transactions occurred.

Item 3. List of Exhibits.

List all exhibits filed as a part of the annual report.

SIGNATURES

Pursuant to the requirements of Section 13 (or 15(d)) of the Securities Exchange Act of 1934, the registrant has duly caused this annual report to be signed on its behalf by the undersigned thereunto duly authorized.

_____

(Registrant)

Date_____ _____

(Signature)*

*Print name and title of signing officer under his signature.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b-32 (17 CFR 240.12b-32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the report on this form. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be set forth in the list of exhibits called for by Item 3.

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. (a) Copies of every material contract not made in the ordinary course of business and not previously filed which was performed or to be performed in whole or in part at or after the beginning of the fiscal year covered by the report on this form. Only contracts need be filed as to which the registrant or a subsidiary of the registrant was or is a party or succeeded to a party by assumption or assignment or in which the registrant or such subsidiary had or has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the registrant and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustees, or persons owning of record or known to own beneficially more than 10 percent of any class of equity securities of the registrant, are parties thereto, except where the contract merely involves the purchase or sale of current assets having a determinable price, at such price;

(2) The registrant's business is substantially dependent upon it;

(3) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of all fixed assets of the registrant and its consolidated subsidiaries;

(4) It is a lease under which a significant part of the property of the registrant and its subsidiaries is held; or

(5) The amount of the contract, or its importance to the business of the registrant and its subsidiaries, are material, and the

terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any management contract or bonus or profit-sharing plan, contract or arrangement (or if not set forth in any formal document, a written description thereof), except contracts providing for labor bonuses or payments to a class of securityholders, as such shall be deemed material and shall be filed.

3. Copies of all other documents of a character required to be filed as an exhibit to an original registration statement on Form 12 which were in effect during the fiscal year and not previously filed.

4. If the registrant files annual reports with the Federal Power Commission, the following reports and statements shall be filed:

(a) The registrant's annual report to stockholders for its last fiscal year and its annual report to the Federal Power Commission for such fiscal year;

(b) The annual report to the Federal Power Commission on Form No. 1 or Form No. 2 filed by each majority-owned subsidiary of the registrant, which filed such a report, for its last fiscal year; and

(c) For each other majority-owned subsidiary of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements called for by the form appropriate for an annual report by such subsidiary to the Securities and Exchange Commission.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

5. (a) If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, the following reports and statements shall be filed:

(1) The registrant's annual report to the appropriate Commission on either a separate or system basis for the last fiscal year;

(2) Its annual report to stockholders, if any, covering the comparable period (if no such report is published, the registrant shall so state) in answer to Item 3;

(3) The annual report to the appropriate Commission (on either a separate or system basis) for the last fiscal year of each majority-owned subsidiary of the registrant which files such a report and which is not included in a system report filed pursuant to clause (a) above, and

(4) For each majority-owned subsidiary of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be certified) called for by the form appropriate for an annual report by such subsidiary to the Securities and Exchange Commission.

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries may be omitted to the extent that all subsidiaries for which they are so omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

(Secs. 13, 15 and 23; 48 Stat. 894, 895 and 901, as amended; 15 U.S.C. 78 m, o, and w)

[F.R. Doc. 65-528; Filed, Jan. 15, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964, Rev., Supp. No. 13]

MERCANTILE INSURANCE COMPANY OF AMERICA

Termination of the Authority To Qualify as Surety on Federal Bonds

JANUARY 12, 1965.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Mercantile Insurance Co. of America, New York, N.Y., under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated effective as of midnight December 31, 1964.

The Commercial Union Insurance Co. of New York, a New York corporation, holds a Certificate of Authority from the Secretary of the Treasury as an acceptable surety on bonds in favor of the United States. Pursuant to Agreement of Merger, effective midnight December 31, 1964, approved by the Superintendent of Insurance of the State of New York, October 30, 1964, and the Insurance Commissioner of the State of California, the Mercantile Insurance Co. of America, New York, N.Y., and the California Insurance Co., San Francisco, Calif., are merged into Commercial Union Insurance Co. of New York, New York, N.Y., the surviving company. Commercial Union Insurance Co. of New York acquires all of the assets and assumes all of the liabilities of the Mercantile Insurance Co. of America and the California Insurance Co. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

No action need be taken by bond-approving officers, by reason of the merger, with respect to any bonds or other obligations in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before December 31, 1964, by the Merchantile Insurance Co. of America pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

As a result of the merger, an underwriting limitation of $9,526,000 has been established for Commercial Union Insurance Co. of New York, New York, N.Y., by the Treasury Department, effective January 1, 1965, under the company's Certificate of Authority to act as an acceptable surety on Federal bonds.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-541; Filed, Jan. 15, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) My entire financial assets consist of: U.S. Government bonds ("E", "H" and "K"); U.S. Treasury notes; bank deposits, both savings and checking; savings certificates in 4 local banks; also, my homestead (not incumbered) located in City of Janesville, Wis.

(2) Deletions: None.

(3) Additions: Continued purchase of U.S. bonds; and bank deposit certificates, in local banks.

(4) No change.

This statement is made as of January 9th, 1965, at the City of Janesville, Rock County, Wis.

Dated: January 9, 1965.

E. W. WELCH.

[F.R. Doc. 65-531; Filed, Jan. 15, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 7]

AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEE PANELS

Notice of Establishment

Pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (26 F.R. 10204, 27 F.R. 4831, 6539, 28 F.R. 2454, 3913) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given that areas of venue for the following States (28 F.R. 236, 460, 3891, 4464, 5025, 5026, 13794) have been revised and established by the ASC State Committees as follows:

FLORIDA

COUNTIES OF

Area I. Add Lee.

MICHIGAN

COUNTIES OF

Area I. Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.

Area II. Alcona, Alpena, Antrim, Arenac, Charlevoix, Cheboygan, Emmet, Iosco, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Crawford.

Area III. Benzie, Clare, Gladwin, Grand Traverse, Lake, Leelanau, Manistee, Mason, Missaukee, Osceola, Roscommon, Wexford, Kalkaska.

Area IV. Gratiot, Ionia, Osabella, Kent, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Oceana, Ottawa.

Area V. Bay, Genesee, Saginaw, Shiawassee, Tuscola.

Area VI. Huron, Lapeer, St. Clair, Sanilac, Macomb.

Area VII. Livingston, Monroe, Oakland, Washtenaw, Wayne.

Area VIII. Clinton, Hillsdale, Ingham, Jackson, Lenawee.

Area IX. Barry, Branch, Calhoun, Eaton, St. Joseph.

Area X. Allegan, Berrien, Cass, Kalamazoo, Van Buren.

NEW YORK

Area I. Entire State.

OHIO

COUNTIES OF

Area I. Athens, Fairfield, Guernsey, Hocking, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Vinton, Washington.

Area II. Adams, Brown, Clermont, Gallia, Highland, Jackson, Lawrence, Pike, Ross, Scioto.

Area III. Butler, Champaign, Clark, Clinton, Darke, Greene, Hamilton, Miami, Montgomery, Preble, Warren.

Area IV. Crawford, Delaware, Fayette, Franklin, Licking, Madison, Marion, Morrow, Pickaway, Union, Wyandot.

Area V. Allen, Auglaize, Defiance, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby, Van Wert.

PENNSYLVANIA

COUNTIES OF

Area I. Adams, Berks, Chester, Dauphin, Perry, Juniata, Lancaster, Lebanon, Lehigh, Northumberland, Snyder, and York.

WEST VIRGINIA

COUNTIES OF

Area I. Barbour, Berkeley, Braxton, Brooke, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, and Wetzel.

Area II. Boone, Cabell, Calhoun, Clay, Fayette, Greenbrier, Jackson, Kanawha, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Roane, Summers, Wayne, Wirt, Wood, and Wyoming.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002; sec. 363, 52 Stat. 63, as amended, 7 U.S.C. 1363)

Effective date of signature.

Signed at Washington, D.C., on January 12, 1965.

RAY FITZGERALD,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-537; Filed, Jan. 15, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15786; Order E-21667]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Order of Investigation and Suspension Regarding Proposed Student Standby Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of January 1965.

On December 16, 1964, Caribbean-Atlantic Airlines, Inc. (Caribair) filed revisions in its tariffs proposing a student standby fare applicable between points in the Virgin Islands, Puerto Rico, Dominican Republic, and the West Indies. Under the proposed fare, students between the ages of 12 and 26 could travel on any of Caribair's flights at 50 percent of the one-way fare on a space available basis.

Special discount fares for students have come under the Board's scrutiny on two previous occasions. In Capital Group Student Fares, 25 CAB 280 (1957), a discount fare applicable to student groups of 25 or more was found to be unjustly discriminatory. The Board then pointed out in its opinion that "Congress has manifested no intent to favor students in air transportation." More recently, Field Trip Group Fares for School Children proposed by United Air Lines were ordered suspended by E-19599, May 21, 1963.

Caribair has submitted no justification for the proposed fares. In view of the Board's previous holdings with respect to student discount fares and the obvious discrimination involved here, the Board finds that the proposed student standby discount fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial and should be investigated. Moreover, in view of our decision in the Capital Group Student Fares case, it has been concluded that the proposed revisions should be suspended pending investigation. However, certain of these proposed fares are applicable to foreign air transportation where no suspension power exists. Accordingly, in addition to investigating all of the proposed fares, we will suspend those fares which are applicable to overseas air transportation, and permit to become effective the proposed fares which are applicable in foreign air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions of Rule No. 11(I) on 1st Revised Page 12-D and 1st Revised Page 12-E of Agent C. C. Squire's C.A.B. No. 9 and rules, regulations or practices affecting such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful fares and provisions and rules, regulations or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Rule No. 11(I) on 1st Revised Page 12-D and 1st Revised Page 12-E of Agent C. C. Squire's C.A.B. No. 9 is suspended and its use deferred to and including April 14, 1965 (insofar as applicable to overseas air transportation), unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Caribbean-Atlantic Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-532; Filed, Jan. 15, 1965; 8:49 a.m.]

[Docket Nos. 15595, 15601]

JET COACH FARES

Notice of Reassignment of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for January 25, 1965, is reassigned for February 3, 1965, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., January 13, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-533; Filed, Jan. 15, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-1]

NEBRASKA EDUCATIONAL TELEVISION COMMISSION

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (CE-OE-5106) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Nebraska Educational Television Commission, Lincoln, Nebr., proposes to construct a television antenna structure at latitude 40°23'13" N., longitude 99°-27'31" W., near Atlanta, Nebr. The overall height of the structure would be 3,449 feet above mean sea level (1,069 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 569 feet since it would be more than 500 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 1.4 miles north of Atlanta, Nebr., and 7.6 miles southwest of the nearest airport. It is not located within the confines of any Federal VOR airway and would have no adverse effect upon IFR operations in the area.

A reduction of 48 feet in overall height from the original proposal resulted in the U.S. Air Force withdrawing its objection since it no longer effected an established "Oil Burner" Route.

The study further disclosed that the proposed structure would have no substantial adverse effect upon VFR operations since it would not interfere with flight operations at the closest airport and is not situated in the vicinity of any generally recognized or commonly used VFR route.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on January 6, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-506; Filed, Jan. 15, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15303, 15304; FCC 65M-34]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO.

Order Continuing Hearing

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303, File No. BPH-4072; David Zander

Pugsley tr/as Sunset Broadcasting Co. (KNDX-FM), Yakima, Wash., Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration a letter dated January 7, 1965, from counsel for Cascade Broadcasting Co. and counsel for Sunset Broadcasting Co. requesting a continuance of the hearing date;

It appearing, that the hearing is now scheduled for January 12, 1965, but that pending rule making renders it inadvisable to commence at this time; and

It further appearing, that counsel for the Broadcast Bureau has no objection to a grant of the extension;

It is ordered, This 11th day of January 1965, that the date for commencement of hearing is continued from January 12 to February 26, 1965.

Released: January 11, 1965.

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

[F.R. Doc. 65-511; Filed, Jan. 15, 1965; 8:46 a.m.]

[Docket No. 15776; FCC 65M-31]

OHIO MOBILE TELEPHONE CO., INC.

Order Scheduling Hearing

In the matter of the application of Ohio Mobile Telephone Co., Inc., for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Westerville, Ohio; Docket No. 15776, File No. 2348-C2-P-64.

It is ordered, This 11th day of January 1965, that Sol Schildhause shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on March 2, 1965; and that a prehearing conference shall be convened at 10:00 a.m. on February 10, 1965: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: January 11, 1965.

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

[F.R. Doc. 65-512; Filed, Jan. 15, 1965; 8:46 a.m.]

[Docket Nos. 15778; 15779; FCC 65M-30]

PRINCESS ANNE BROADCASTING CORP. AND SOUTH NORFOLK BROADCASTING CO.

Order Scheduling Hearing

In re applications of Princess Anne Broadcasting Corp., Virginia Beach, Va., Docket No. 15778, File No. BP-15058; Harold H. Hersch, Samuel J. Cole, L. W. Gregory, and William L. Forbes, doing business as South Norfolk Broadcasting Co., Chesapeake, Va., Docket No. 15779, File No. BP-15818; for construction permits.

It is ordered, This 11th day of January 1965, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on March 4, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on February 9, 1965: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: January 11, 1965.

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

[F.R. Doc. 65-513; Filed, Jan. 15, 1965; 8:46 a.m.]

[Docket Nos. 15780, 15781; FCC 65M-29]

TELEVISION SAN FRANCISCO AND JALL BROADCASTING CO., INC.

Order Scheduling Hearing

In re applications of Lillian Lincoln Banta and Deane Devere Banta, doing business as Television San Francisco, San Francisco, Calif., Docket No. 15780, File No. BPCT-3303; Jall Broadcasting Co., Inc., San Francisco, Calif., Docket No. 15781, File No. BPCT-3425; for construction permit for new television broadcast station (channel 26).

It is ordered, This 11th day of January 1965, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on March 8, 1965; and that a prehearing conference shall be convened at 10:00 a.m. on February 3, 1965: *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: January 11, 1965.

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

[F.R. Doc. 65-514; Filed, Jan. 15, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-2]

AMERICAN & AUSTRALIAN STEAMSHIP LINE ET AL.

Order To Show Cause

American & Australian Steamship Line and Port & Associated Lines, Petitioners v. Blue Star Line, Limited, Hamburg Sud-Amerikanische Dampfshifffahrts-Gesellschaft, Eggert & Amsinck (Columbus Line), United States Lines Co. and M. E. Rough, Respondents.

Upon petition and application for order to show cause of American & Australian Line and Port and Associated Lines, sworn to on the 28th day of December 1964, and upon affidavits of John W. Beasley, Louis J. Eble and M. Garcia, Jr., sworn to on the 28th day of December 1964, filed herein, and on motion of Thomas K. Roche and Sanford C. Miller, attorneys for petitioners, and good cause therefor appearing, and pursuant to the authority vested in the Commission by the Shipping Act, 1916, sections 14(b), 15, 18(b), and 22:

It is ordered, That the respondents above named show cause before the Federal Maritime Commission, 1321 H Street NW., Washington, D.C., on February 1, 1965, at 9:30 a.m., why the relief demanded in said petition should not be granted and why the Federal Maritime Commission should not make and issue (1) an order determining that respondents may not lawfully oppose, impede or prevent (a) the amendment, effective February 15, 1965, of the Conference tariff of the U.S. Atlantic and Gulf/Australia-New Zealand Freight Conference to eliminate Canadian rates and (b) the termination, effective February 15, 1965, of that part of the Merchant's Rate Agreement of said Conference which includes Canadian ports; and (2) an order ordering and directing respondents to join in the effectuation of such amendment and partial termination and ordering and directing respondent Conference Secretary to accomplish such amendment and partial termination, as prayed for in said petition;

And, It is further ordered, That said respondents show cause why an evidentiary hearing and an initial or recommended decision by a Hearing Examiner should not be dispensed with and why the Commission should not make its final decision and enter its final order as above prayed without further proceedings herein;

And, It is further ordered, That respondents' answers and answering affidavits and briefs, if any, be served and filed not later than January 19, 1965, and that reply affidavits and briefs be served and filed not later than January 27, 1965.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-525; Filed, Jan. 15, 1965; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII (Amdt. 4)]

SEATTLE REGIONAL AREA

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11177, as amended, 29 F.R. 12570, 13354, 14093, and 18194, Delegation of Authority No. 30-XIII, 29 F.R. 12499, as amended 29 F.R. 12992, 14044, and 14609, is hereby further amended by:

1. Deleting Item I.K. 3. in its entirety and substituting the following in lieu thereof:

I. * * *
K. * * *
3. To disburse approved loans.

Effective date: December 30, 1964.

E. D. PETERSON,
Acting Regional Director,
Seattle.

[F.R. Doc. 65-499; Filed, Jan. 15, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 13, 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. 39514: *Silica sand to New Orleans, La.* Filed by Illinois Freight Association, agent (No. 269), for interested rail carriers. Rates on silica sand, not ground, powdered or pulverized, as described in the application, in carloads, from Troy Grove and Oregon, Ill., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 9 to Illinois Freight Association, agent, tariff I.C.C. 1017.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-520; Filed, Jan. 15, 1965; 8:47 a.m.]

OPERATING RIGHTS REVIEW BOARDS

Specifications of Types of Cases

It appearing, that Item 7.11(c) of the Organization Minutes of the Commission (26 F.R. 4773, 10991; 27 F.R. 3830; 28 F.R. 198; 29 F.R. 3027) delegates to the Operating Rights Review Boards Nos. 1, 2, and 3 authority to determine matters in proceedings submitted for decision (other than those assigned to Operating Rights Boards Nos. 1 and 2 under section 7.11 (a) and (b) of the Organization Minutes) under the provisions of law set forth in Item 4.2 thereof in cases or classes of cases specified from time to time by the Chairman of Division 1 of the Commission, which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits:

It is ordered, That the following types and categories of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits, be, and they are hereby, specified in respect of which determinations may be made by the said Operating Rights Review Boards:

Proceedings arising under the provisions of law set forth in Item 4.2 of the said Organization Minutes, other than:

Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or has issued a report and recommended order.

Those proceedings orally argued before Division 1.

Those proceedings which are considered to be the relatively more important cases, including those which appear to involve issues of general transportation importance.

Provided, however, That such specifications, to the extent administered by the Bureau of Operating Rights, shall be applied and construed under the direction and supervision of the Chairman of Division 1.

It is further ordered, That this order vacates and supersedes the order entered herein on February 27, 1964, as of the effective date hereof.

And it is further ordered, That this order shall be effective as of the date hereof.

Dated at Washington, D.C., this 12th day of January A.D. 1965.

By the Commission, Commissioner Hutchinson.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-521; Filed, Jan. 15, 1965; 8:47 a.m.]

[Notice 13]

FINANCE APPLICATIONS

JANUARY 13, 1965.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23445. By application filed January 5, 1965, Great Northern Railway Company, 175 East Fourth Street, St. Paul, Minn., 55101, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability, as guarantor, in respect of $7,005,000 principal amount of Great Northern Equipment Trust of 1965 Equipment Trust Certificates. Applicant's attorney: Anthony Kane, Vice President and General Counsel, 175 East Fourth Street, St. Paul, Minn., 55101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23446. By application filed January 4, 1965, Murphy Motor Freight Lines, Inc., 965 Eustis Street, St. Paul, Minn., seeks authority under section 214 of the Interstate Commerce Act to issue a promissory note in the amount of $1,200,000 to be secured by a real estate mortgage. Applicant's attorney: Jack Goodman, Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23448. By application filed January 4, 1965, O'Boyle Tank Lines, Incorporated, 4848 Cordell Avenue, Washington, D.C., 20014, seeks authority under section 214 of the Interstate Commerce Act to issue promissory notes in an aggregate amount of not exceeding $500,000, secured by a chattel mortgage on specified motor vehicle equipment. Applicant's attorney: Clarence D. Todd, Esquire, Todd, Dillon, Sullivan & Raley, 1825 Jefferson Place NW., Washington, D.C., 20036. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23450. By application filed January 7, 1965, Yosemite Park and Curry Co., Yosemite National Park, Calif., seeks authority under section 214 of the Interstate Commerce Act to issue short-term promissory notes in the principal amount outstanding at any one time not exceeding $1,400,000, as a continuation of presently-outstanding authority granted in F.D. No. 19451, which authority expires on March 1, 1965. Applicant's attorney: Robert N. Lowry, Brobeck, Phleger & Harrison, 111 Sutter Street, San Francisco 4, Calif. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23452. By application filed January 8, 1965, Railway Express Agency, Incorporated, 219 East 42d Street, New York, N.Y., 10017, seeks authority under sections 20a and 214 of the Interstate Commerce Act to issue $4,000,000 principal amount of 6 percent Secured Notes due 1977. Applicant's attorney: Alan P. Doniger, Esq., Assistant General Counsel, Railway Express Agency, Incorporated, 219 East 42d Street, New York, N.Y., 10017. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-522; Filed, Jan. 15, 1965; 8:47 a.m.]

[Notice 1110]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 13, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67113. By order of January 11, 1965, Division 3, acting as an Appellate Division, approved the transfer to M. Newton Moving and Storage, Inc., Cincinnati, Ohio, of the operating rights issued by the Commission November 9, 1962, under Certificate No. MC 84287, to Mary Edith Newton, doing business as M. Newton Moving & Storage, Cincinnati, Ohio, authorizing the transportation, over irregular routes, of new pianos, from Cincinnati, Ohio, to Chicago and Peoria, Ill., St. Louis and Kansas City, Mo., New York, N.Y., Philadelphia and Pittsburgh, Pa., Louisville, Ky., and Indianapolis, Ind., and damaged, rejected, or imperfect pianos, from the above-specified destination points to Cincinnati; organs and organ benches, between Cincinnati, Ohio, on the one hand, and, on the other, New York, N.Y., Pittsburgh, Pa., St. Louis, Mo., Kansas City, Mo., Louisville, Ky., and Chicago, Ill. Robert G. McIntosh, 3706 Carew Tower, Cincinnati, Ohio, attorney for transferee.

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

[F.R. Doc. 65-524; Filed, Jan. 15, 1965; 8:48 a.m.]

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