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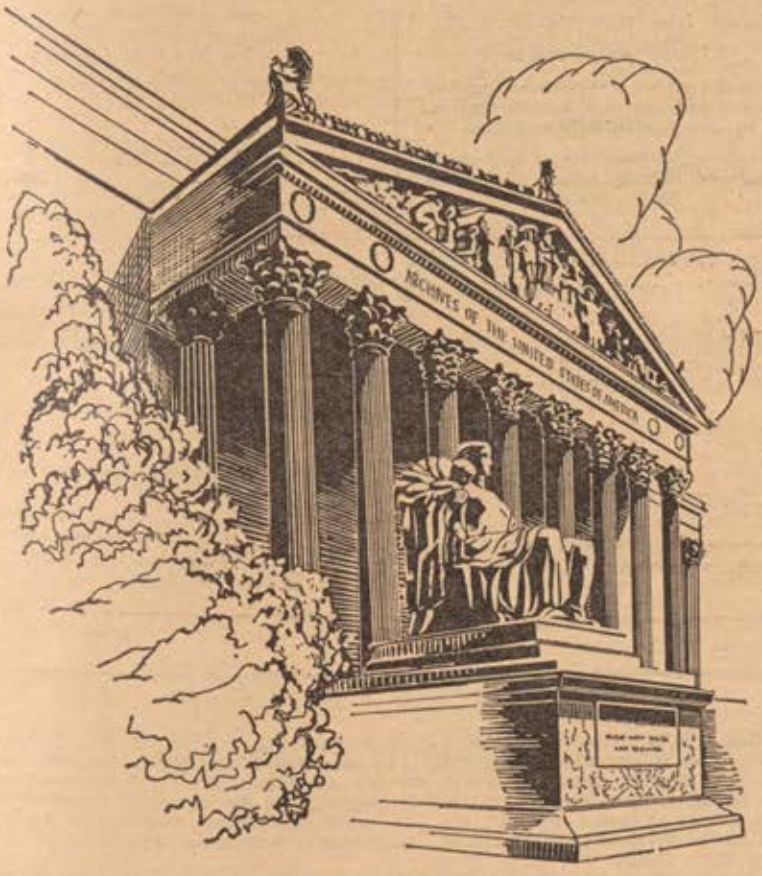

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(Codification Guide)

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Title 3—THE PRESIDENT

Executive Order 11199

DISCONTINUING THE DEFENSIVE SEA AREA OFF THE COAST OF NORTH CAROLINA

By virtue of the authority vested in me by Section 2152 of Title 18 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The defensive sea area off the coast of North Carolina, heretofore existing under the provisions of Executive Order No. 5786 of January 30, 1932, is hereby discontinued.

SEC. 2. Executive Order No. 5786 of January 30, 1932, is hereby revoked.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 24, 1965.

[F.R. Doc. 65-2184; Filed, Feb. 26, 1965; 12:35 p.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Revision of Subparts B–E

Present Subparts B through E of Part 882 are deleted and the following substituted therefor.

Subpart B—Service Awards

Subpart C—Service Medals and Longevity Service Awards Ribbon

Subpart D—Non-United States Service Medals

Subpart E—Lapel Buttons

AUTHORITY: The provisions of Subparts B through E issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 900–10, July 20, 1961, AFR 900–10A, November 21, 1963, AFR 900–10B, June 4, 1964, AFR 900–10C, October 14, 1964.

Subpart B—Service Awards

§ 882.100 Purpose.

Subparts B through E of this part describe the Air Force service awards, explain who is eligible to receive them, and how and by whom they are awarded. They include information on service awards conferred by other United States agencies and foreign countries. These subparts apply to Air Force Reserve and Air National Guard personnel.

§ 882.101 Authorized service medals and ribbons.

The service medals and ribbons described in Subparts B through E of this part are listed in the following paragraphs. The order of precedence for these medals and ribbons is prescribed in AFM 35–10 (Service and Dress Uniforms for Air Force Personnel).

(a) Good Conduct Medal or Air Force Good Conduct Medal.
(b) American Defense Service Medal.
(c) Women's Army Corps Service Medal.
(d) American Campaign Medal.
(e) Asiatic-Pacific Campaign Medal.
(f) European-African-Middle Eastern Campaign Medal.
(g) World War II Victory Medal.
(h) Army of Occupation Medal.
(i) Medal for Humane Action.
(j) National Defense Service Medal.
(k) Korean Service Medal.
(l) Antarctica Service Medal.
(m) Armed Forces Expeditionary Medal.
(n) Air Force Longevity Service Award Ribbon.
(o) Armed Forces Reserve Medal.
(p) Air Reserve Forces Meritorious Service Ribbon (ARFMSR).
(q) USAF NCO Academy Graduate Ribbon.
(r) Small Arms Expert Marksmanship Ribbon.
(s) Philippine Defense Ribbon.
(t) Philippine Liberation Ribbon.
(u) Philippine Independence Ribbon.
(v) United Nations Service Medal.
(w) United Nations Medal.

§ 882.102 Eligibility.

(a) *Who is eligible.* A person is generally eligible for a service award if he:

(1) Was assigned or attached to and present for duty with a unit serving within the prescribed geographical area established for the award during the designated time period;

(2) Was assigned or attached to and present for duty with a unit designated in appropriate administrative orders as having received the award during the prescribed time period; or

(3) Otherwise meets the requirements for the award stated in the appropriate section of Subparts C through E of this part.

(b) *Who is ineligible.* No service award will be awarded to a person whose entire service for the period covered by the award was not honorable, nor to a person whose service for the period covered by the award was terminated under other than honorable conditions. However, if a person was awarded and presented an award for service prior to his dishonorable behavior, the award will not be revoked unless specifically directed by Headquarters USAF.

§ 882.103 Number of awards a person may receive.

Only one award of a specific United States service medal or Philippine service ribbon will be made to the same person. Devices will be awarded to denote additional awards in those instances specified in Subparts B through E of this part.

§ 882.104 Posthumous awards.

The service awards and devices listed in Subparts B through E of this part may be awarded posthumously. In addition, the next of kin is entitled to receive a complete set of the service awards earned by the deceased member of the Air Force whether or not they were previously presented to him. If desired by the next of kin, the commander of the base furnishing casualty assistance will be responsible for furnishing a complete set of the awards. The next of kin, in order of precedence, are: widow, widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. Awards to eligible next of kin, other than in the order given, must be approved by Headquarters USAF. Duplicate awards may be furnished free to the parents of the deceased when awards are given to the widow or widower.

§ 882.105 Awards by foreign countries.

(a) *When acceptance and wearing of foreign service awards is unauthorized.* With the exception of the United Nations Service Medal and United Nations Medal (Subpart D of this part), service awards tendered by foreign governments to an officer or airman for services rendered while a member of the United States Air Force or its Reserve components may not be accepted or worn on the Air Force uniform. See Subpart A of this part for acceptance and wear of foreign decorations.

(b) *Wearing of foreign service awards by persons who earned them as members of a friendly foreign force.* Foreign service awards earned while a bona fide member of the armed forces of a friendly country may be retained by the person, provided that they were presented to him prior to his entry on duty with the Armed Forces of the United States. However, to wear such awards on the Air Force uniform, the consent of the Congress is required, unless such Congressional authority was delegated under Public Law.

(1) *Requesting congressional authorization.* Congressional authorization is requested through Headquarters USAF. The member will send all elements of the award, including the medal, ribbon, and original certificate, and other documents pertaining to the award, to

USAF Mil Pers Cen (AFPMPPE), Randolph AFB, Tex., 78148. These will be sent by letter of transmittal including full name and service number of the member, name of the award and the country making it, citizenship status at time of the award, and inclusive dates of service recognized by the award. Headquarters USAF will forward the award to the Department of State, where it will be held pending authorization by Congress for the member to wear it.

(2) *Notification to member when Congress authorizes wear on uniform.* When Congress authorizes official wear, Headquarters USAF will withdraw the award from the Department of State and forward it to the member. This section does not apply to the Philippine service awards described in Subparts B through E of this part.

NOTE: Pursuant to a White House instruction, the Department of State prepares an omnibus authorizing bill on all foreign awards held for retired persons, for transmittal to Congress one full month before the beginning of the Second Session of each alternate Congress, or every fourth year, i.e., 1962, 1966, etc. At the present time, such legislation may not be introduced for other than retired personnel. Since the seeking of authority to wear a foreign service award is at the option of the individual concerned, commanders should thoroughly explain the procedures stated in this section so that the individual will be fully aware of the legislative requirements before he elects to seek Congressional authorization to wear the award.

§ 882.106 Furnishing awards to personnel not on active duty.

(a) *Retired Air Force personnel.* Retired Air Force personnel normally will have been furnished all awards prior to retirement or at the time of retirement. If, for any reason, awards are not furnished prior to or at time of retirement, retired personnel will obtain awards from the air base at which the individual retired.

(b) *Persons not on active duty and not members of a Reserve component.* Authorized awards may be obtained from:

General Services Administration, Air Force Branch, Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo., 63132.

§ 882.107 Engraving.

Service medals will not be engraved at Government expense. Recipient may have the medal engraved with his name at his own expense.

§ 882.108 Use of awards in exhibitions.

(a) *By public institutions and patriotic societies.* Upon approval by the Secretary of the Air Force, sample service awards for exhibit purposes may be furnished at cost price, including charges for packing, transportation, and engraving each medal with the words "Exhibition Only." Samples will be furnished only to museums; libraries; and historical, numismatic, and military societies and institutions of such public nature as to assure an opportunity for the public to view them under circumstances beneficial to the Air Force.

(b) *By U.S. agencies outside the Department of Defense.* Upon approval by the Secretary of the Air Force, sample service awards may be furnished without charge for public display to United States Government agencies not under military jurisdiction.

(c) *Where to send requests.* All requests for service awards for exhibit or display will be submitted to USAF Mil Pers Cen (AFPMPPE), Randolph AFB, Tex., 78148, for approval by the Secretary of the Air Force.

§ 882.109 Manufacture, sale, and possession of awards.

By law (18 U.S.C. 701 and 704), the manufacture, sale, or possession of any Air Force service award, or the pictorial representation in regulation size of such award, is prohibited unless authorized by the Department of the Air Force.

Subpart C—Service Medals and Longevity Service Award Ribbon

§ 882.200 Good Conduct Medal and Air Force Good Conduct Medal (AFGCM)

(a) *Good Conduct Medal.* Established by Executive Order 8809, June 28, 1941, as amended by Executive Order 9323, March 31, 1943, and Executive Order 10444, April 10, 1953.

(b) *Air Force Good Conduct Medal.* Established by the Secretary of the Air Force, effective June 1, 1963, under authority delegated in Executive Order 10444, April 10, 1953, to provide a distinctive medal for award by the Air Force.

(c) *Requirements for award*—(1) *Quality of service.* The Good Conduct Medal or the Air Force Good Conduct Medal is awarded for exemplary behavior, efficiency, and fidelity in an enlisted status while in the active Federal military service of the United States. During the period considered for the award, there must be no conviction by a civil court (other than for a minor traffic violation) or by court martial, or record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Good Conduct Medal or the Air Force Good Conduct Medal begins the day following any time lost under 10 U.S.C. 8638 and/or the day following the completion of any punishment imposed by a court martial, including punishment under Article 15. Any period of service covered by a "referral" Airman Performance Report, AF Form 75, is disqualifying for the award of the medal. Table 1 explains the basis for award.

TABLE 1

BASIS FOR AWARD OF GOOD CONDUCT MEDAL OR AIR FORCE GOOD CONDUCT MEDAL

For service from—	*Basis for award*
August 27, 1937, to September 30, 1957.	All "character" and "efficiency" ratings must have been recorded as "excellent" or higher, except that the following ratings are not disqualifying: ratings of "unknown"; service school efficiency ratings below "excellent" awarded prior to March 3, 1946.
October 1, 1957, to April 14, 1960.	Specific recommendation of the unit commander must have been recorded in section X of AF Form 75, "Airman Performance Report."
April 15, 1960, to present.	Specific recommendation of the unit commander, who will consider carefully the prerequisite requirements for the award—exemplary behavior, efficiency, and fidelity; the chronological listing of past service creditable for award of the medal (Note); information contained in AF Form 75, "Airman Performance Report"; and all other information available within the unit reflecting the quality of service of the airman concerned.

NOTE: Information contained in "Remarks," AF Form 7; see paragraph 8-18, AFM 35-12 (Airman Military Personnel Records System).

(2) *Length of service.* Provided the above quality requirements are met, the basic Good Conduct Medal or Air Force Good Conduct Medal may be awarded for periods of continuous service given in Table 2.

(d) *Type of medal to be awarded.* An airman who qualified for award of the basic Good Conduct Medal or a successive award of the Good Conduct Medal on or before May 31, 1963, will be awarded the Good Conduct Medal, or the appropriate clasp. An airman who completes the qualifying service on or after June 1, 1963, will be awarded the Air Force Good Conduct Medal. When both medals have been awarded, they must be worn with the Air Force Good Conduct Medal taking precedence over the Good Conduct Medal. After award of the first Air Force Good Conduct Medal, successive awards will be denoted by oak leaf clusters, which are identical to the clusters used to denote additional awards of military decorations. Oak leaf clusters are issued in two sizes—large and small—and in two colors—bronze and silver. The large size is worn on the suspension ribbon of the Air Force Good Conduct Medal, and the small size on the ribbon bar. A bronze oak leaf cluster is used for the second through fifth, seventh through tenth, etc., awards of the Air Force Good Conduct Medal. A silver oak leaf cluster is used for the sixth, eleventh, etc., award, or in lieu of five bronze oak leaf clusters. (See AFM 35-10 for the proper placement of oak leaf clusters on the suspension ribbon and ribbon bar.)

(e) *Computation of total service.* Periods of service as a commissioned officer or warrant officer, other than Regular Air Force, will not be considered as an interruption of continuous service, although such periods will not be included in computation of total service accumulated. A period in excess of 24 hours between enlistments or between periods of commissioned and enlisted service will

be considered a break in continuous active service. Time spent in either aviation cadet or officer candidate status is creditable provided it meets the requirements of paragraph (c)(1) of this section.

(f) *Service in the Navy, Marine Corps, or Coast Guard.* Service performed in the United States Navy, Marine Corps, or Coast Guard may not be credited for award of the Good Conduct Medal or Air Force Good Conduct Medal under Subparts B through E of this part.

(g) *Time period required after basic award.* After the basic award of the Good Conduct Medal or Air Force Good Conduct Medal, a 3-year period of continuous active service is always required for additional awards of these medals. Service must always meet the requirements of paragraph (c)(1) of this section.

TABLE 2. Length of service requirements for basic award of Good Conduct Medal or Air Force Good Conduct Medal

For service during—	Upon completion of continuous active Federal service for a period of—	Upon separation		Basic award will be the—
		Completion of 1 year but less than 3 continuous years active Federal military service [1]	For physical disability incurred in the line of duty for less than 1 continuous year	
	Years			
Aug. 27, 1937–Dec. 6, 1941	3			Good Conduct Medal.
Dec. 7, 1941–Mar. 2, 1946 (WWII)	1 [3]			Do.
Mar. 3, 1946–June 26, 1950	3	X [2]	X [2]	Do.
June 27, 1950–July 27, 1954 (Korean Operation)	1 [3]	X	X	Do.
July 28, 1954–May 31, 1963	3	X	X	Do.
June 1, 1963–indefinite, or	3	X	X	Air Force Good Conduct Medal.
During any future period while United States is at war.	1 [3]	X	X	Do.

[1] Includes termination of active Federal military service in an enlisted status in order to accept a commission.
[2] Applicable only if some portion of the service is performed after June 27, 1950.
[3] The entire year must have been served during the period indicated in column one.

§ 882.201 American Defense Service Medal.

(a) *Authorization.* Established by Executive Order 8808, June 28, 1941.

(b) *Requirements for award.* Awarded for any period of active duty service completed between September 8, 1939, and December 7, 1941, provided that the active duty orders specified service for a period of 12 months or longer.

(c) *Foreign Service Clasp.* The requirements for the Foreign Service Clasp are the same as for the medal itself, except that the service must have been performed outside the continental United States.

§ 882.202 Women's Army Corps Service Medal.

(a) *Authorization.* Established by Executive Order 9365, July 29, 1943.

(b) *Requirements for award.* Awarded for service performed in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 882.203 American Campaign Medal.

(a) *Authorization.* Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(b) *Requirements for award.* Awarded for service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment outside the continental United States.

(2) Permanent assignment as an aircrew member of an airplane making frequent flights over ocean waters for a period of 30 consecutive days or 60 days not consecutive.

(3) Outside the continental United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(4) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(5) Within the continental United States for an aggregate period of 1 year.

(c) *Antisubmarine Campaign Service Star.* A person assigned or attached to and present for duty with a unit which was accorded battle credit for the "Antisubmarine" campaign is entitled to wear a bronze service star.

§ 882.204 Asiatic-Pacific Campaign Medal.

(a) *Authorization.* Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(b) *Requirements for award.* Awarded for service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) Permanent assignment.

(2) Passenger status or on temporary duty for 30 consecutive days or 60 nonconsecutive days.

(3) In active combat against the enemy, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of his unit stating that he actually participated in combat.

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign.

§ 882.205 European-African-Middle Eastern Campaign Medal.

(a) *Authorization.* Established by Executive Order 9265, November 6, 1942, as amended by Executive Order 9706, March 15, 1946.

(b) *Requirements for award.* Awarded for service within the EAME (European - African - Middle Eastern) Theater between December 7, 1941, and November 8, 1945, under the same conditions described in § 882.204(b), (1), (2), and (3).

(c) *Service stars.* A service star is awarded to denote participation in a battle campaign.

§ 882.206 World War II Victory Medal.

(a) *Authorization.* Established by Public Law 135, 79th Congress (59 Stat. 461).

(b) *Requirements for award.* Awarded for any period of service between December 7, 1941, and December 31, 1946.

§ 882.207 Army of Occupation Medal.

(a) *Authorization.* Established by War Department General Orders 32, 1946.

(b) *Requirements for award.* Awarded for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to the United States occupation forces during the prescribed time limits in any of the following areas:

(1) Germany (exclusive of Berlin): Between May 9, 1945, and March 5, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(2) Berlin, Germany: Between May 9, 1945, and a terminal date to be announced later. Service between May 9, 1945, and November 8, 1945, will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(3) Austria: Between May 9, 1945, and July 27, 1955. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(4) Italy: Between May 9, 1945, and September 15, 1947, in the compartment of Venezia Giulia E Zara or Province of Udine, or with a unit specifically designated in Department of the Army General Orders 4, 1947. Service between May 9, 1945, and November 8, 1945, may be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.

(5) Japan: Between September 3, 1945, and April 27, 1952, in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu; the surrounding smaller islands of the Japanese homeland; the Ryukyu islands; and the Bonin-Volcano Islands. Service between September 3,

1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945. By the same token, service which meets the requirements for the Korean Service Medal (§ 882.210) may not be counted in determining eligibility for this award.

(6) Korea: Between September 3, 1945, and June 29, 1949. Service between September 3, 1945, and March 2, 1946, may be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.

(c) *Berlin Airlift Device.* Service for 90 or more consecutive days between June 26, 1948, and September 30, 1949, while assigned or attached to a unit designated in general orders of the Department of the Air Force for participation in the Berlin Airlift, qualifies a person for award of the Army of Occupation Medal with Berlin Airlift Device.

§ 882.208 Medal for Humane Action.

(a) *Authorization.* Established by Public Law 178, 81st Congress.

(b) *Requirements for award.* Awarded to personnel who were assigned or attached to and present for duty for at least 120 days during the period June 26, 1948, and September 30, 1949, inclusive, with any of the units cited in general orders of the Department of the Air Force for participation in the Berlin airlift or for direct support thereof. The geographical boundaries of the Berlin airlift operations are as follows:

(1) Northern Boundary: 54th parallel north latitude.

(2) Eastern Boundary: 14th meridian east longitude.

(3) Southern Boundary: 48th parallel north latitude.

(4) Western Boundary: 5th meridian west longitude.

(c) *Award to members of foreign armed forces and civilians.* The Medal for Humane Action may be awarded to members of foreign armed forces and civilians (United States and foreign) for meritorious participation in the Berlin airlift. In each instance, however, an individual recommendation indicating meritorious participation is required.

(d) *Award to persons whose lives were lost participating in the Berlin airlift.* Persons whose lives were lost while participating in the Berlin airlift, or as a direct result of participating therein, may be awarded the Medal of Humane Action without regard to the length of such service, provided that all other requirements are met.

NOTE: The Berlin Airlift Device is not awarded or worn with the Medal for Humane Action.

§ 882.209 National Defense Service Medal.

(a) *Authorization.* Established by Executive Order 10448, April 22, 1953.

(b) *Requirements for award.* Awarded for any period of honorable active duty service between June 27, 1950, and July 27, 1954. For the purpose of this award, the following persons shall not be considered as performing active duty service:

(1) Inactive Reserve personnel ordered to active duty for short periods of training under the Inactive Reserve Training program.

(2) Reserve component personnel on temporary active duty to attend service schools or serve on boards, courts, commissions, etc.

(3) Any person on active duty for the sole purpose of undergoing a physical examination.

(4) Any person on active duty for purposes other than for extended active duty.

§ 882.210 Korean Service Medal.

(a) *Authorization.* Established by Executive Order 10179, November 8, 1950, as amended by Executive Order 10429, January 17, 1953.

(b) *Requirements for award.* Awarded to persons assigned or attached to combat or service units designated by the Commander, Far East Air Forces, in general orders for service within the Korean Theater or adjacent areas between June 27, 1950, and July 27, 1954. The term "Korean Theater" as used herein is defined as those areas which encompass North and South Korea, Korean waters, and the air over North and South Korea, and over Korean waters.

(c) *Conditions for award.* (1) The Korean Service Medal is awarded for participation in any engagement against the enemy in North or South Korean territory, in Korean waters, or in the air over North or South Korea or over Korean waters. A person will also be considered as having participated in an engagement if that person:

(i) Was a member of a designated combat or service unit in the Korean Theater.

(ii) Was a member of a combat or service unit, other than one within the Korean Theater, which has been designated by the Commander, Far East Air Forces, as having directly supported the military operations in the Korean Theater.

(iii) Was a member of a designated headquarters of the Far East Air Forces who exerted a distinct and contributory effort to the military operations in the Korean Theater.

(2) The service prescribed must have been performed while:

(i) On permanent assignment;

(ii) On temporary duty with a designated unit or headquarters for 30 consecutive days or 60 nonconsecutive days; or

(iii) In actual combat against the enemy. In this case, the individual must have been awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(d) *Award of service stars.* Service stars are awarded to members of designated combat or service units in combat, or units assigned to the command of the Far East Air Forces, or on temporary duty with Army Ground Forces under any of the following conditions:

(1) If the person was a member assigned or attached to and present for duty with a designated combat or service unit during the period which the unit participated in combat.

(2) If the person was under orders in the combat zone and, in addition, was awarded a combat decoration, or was furnished a certificate by a commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; commander of an Air Force group, comparable or higher unit, or independent force, stating that he actually participated in combat or served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor) or aboard a vessel other than in a passenger status. A certificate must be furnished by the home port commander of the vessel for actual service in the combat zone of the Korean Theater.

(3) If the person was an evadee or escapee in the combat zone or recovered from a prisoner-of-war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be given credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Award of arrowhead.* An arrowhead is awarded to members of designated combat or service units in combat, units assigned to the command of the Far East Air Forces, or units on temporary duty with the Army Ground forces who have participated in an airborne or amphibious assault within the territorial limits of Korea.

§ 882.211 Antarctica Service Medal.

(a) *Authorization.* Established by Public Law 86-600, 86th Congress, July 7, 1960.

(b) *Requirements for award.* Awarded to the following for service during the period January 1, 1946, to a date to be subsequently established by the Secretary of Defense:

(1) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who, as a member of a U.S. expedition, participates in or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the U.S. Armed Forces or civilian citizen, national, or resident alien of the U.S. who participates in or who has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(3) Any member of the U.S. Armed Forces who participates in or who has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves or has served in a U.S. ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

NOTE: Any person, including a citizen of a foreign nation, who does not meet the re-

quirements in subparagraphs (1), (2), (3), or (4) of this paragraph, but who participated in or participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency, may be awarded the medal by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition.

No minimum time limits of participation are prescribed under the foregoing qualifications. No person is authorized to receive more than one award of the medal.

(c) *Wintering over.* Personnel who stay on the Antarctic continent during the winter months shall be eligible to wear a bronze clasp with the words "Wintered Over" on the suspension ribbon of the medal. This eligibility will also be denoted by a bronze disk of 3/16-inch diameter, with an outline of the Antarctic continent inscribed thereon, fastened on the bar ribbon representing the medal. A gold clasp or disk is authorized in lieu of the second clasp or disk, and a silver clasp is authorized for personnel who winter over three times or more. Not more than one clasp or disk shall be worn on the ribbon.

§ 882.212 Armed Forces Expeditionary Medal (AFEM).

(a) *Authorization.* Established by Executive Order 10977, December 4, 1961.

(b) *Requirements for award.* Awarded to any member of the Armed Forces of the United States, who after July 1, 1958, participates or has participated in the following operations to the degree and during the periods indicated:

(1) *United States military operations and inclusive dates.*

Berlin	Aug. 14, 1961, to June 1, 1963.
Lebanon	July 1, 1958, to Nov. 1, 1958.
Quemoy and Matsu Islands	Aug. 23, 1958, to June 1, 1963.
Taiwan Straits	Aug. 23, 1958, to Jan. 1, 1959.
Cuba	Oct. 24, 1962, to June 1, 1963.

(2) *U.S. operations in direct support of the United Nations and inclusive dates.*

Congo	July 14, 1960, to Sept. 1, 1962.

(3) *U.S. operations of assistance for friendly foreign nations and inclusive dates.*

Laos	Apr. 19, 1961, to Oct. 7, 1962.
Vietnam	July 1, 1958, to a date to be announced.

(4) *Degree of participation.* Individual must be a bona fide member of a unit engaged in the operation, or meet one or more of the following criteria:

(i) Shall serve not less than 30 consecutive days in the area of operations.

(ii) Be engaged in direct support of the operation for 30 consecutive days or 60 nonconsecutive days provided this support involves entering the area of operations.

(iii) Serve for the full period when an operation is of less than 30 days duration.

(iv) Be engaged in actual combat, or duty which is equally as hazardous as combat duty, during the operation, with armed opposition, regardless of time in the area.

(v) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(vi) Be recommended, or attached to a unit recommended, by the Chief of a Service or the commander of a unified or specified command for award of the medal, although the criteria in this subparagraph have not been fulfilled. Such recommendation may be made to the Joint Chiefs of Staff for duty of such value to the operation as to warrant particular recognition.

(c) *Explanation of terms.* (1) "Bona fide member of a unit" means an assigned or attached member who is or was present with the unit during the operation.

(2) "A unit engaged in the operation" means a complete unit (not elements or aircraft of a unit) which is or was physically present in the area of operations during the specified period.

(3) "Area of operations" means the foreign territory specifically designated by Subparts B through E of this part upon which troops have actually landed or are present and specifically deployed for the direct support of the designated military operations; the adjacent water areas in which ships are operating, patrolling, or providing direct support of operations; the air space above and adjacent to the area in which operations are being conducted.

(4) "Direct support" means service being supplied the combat forces in the area of operations by ground units, ships, and aircraft providing supplies and equipment to the forces concerned, provided it involves actually entering the designated area; and ships and aircraft providing fire, patrol, guard, reconnaissance, or other military support.

(d) *Subsequent awards.* Not more than one medal shall be awarded to any person, but for each succeeding operation justifying such an award, a bronze service star will be awarded.

(e) *Limitations.* The medal shall be awarded only for operations for which no other United States campaign medal is approved. The service qualifying the person for the award shall have been honorable.

§ 882.213 Air Force Longevity Service Award Ribbon.

(a) *Authorization.* Established by Department of the Air Force General Orders No. 60, November 25, 1957.

(b) *Requirements for award*—(1) *Basis of eligibility.* Eligibility is based upon honorable active Federal military service with any branch of the United States Armed Forces.

(2) *Who is eligible.* (i) All members of the Air Force on active duty.

(ii) All members of the Reserve components not on active duty with the Air Force who meet the criteria in subparagraph (3) of this paragraph.

(iii) All retired personnel who are carried on the Air Force retired lists.

(3) *Award criteria*—(i) *Basic award.* An aggregate of 4 years of honorable active Federal military service with any branch of the United States Armed Forces.

(ii) *Subsequent awards.* A bronze oakleaf cluster for each additional 4 years of honorable active Federal military service. A silver oakleaf cluster is worn in lieu of five bronze clusters. The oak-leaf clusters mentioned herein are identical to the clusters used to denote additional awards of the same military decoration (see Subpart A of this part). Although oak-leaf clusters are issued in two sizes (large and small), only the small clusters will be worn on the Air Force Longevity Service Award Ribbon.

NOTE: The Air Force Longevity Service Award Ribbon replaces the Federal Service Stripes optionally worn by enlisted personnel.

§ 882.214 Armed Forces Reserve Medal.

(a) *Authorization.* Established by Executive Order 10163, September 25, 1950, as amended by Executive Order 10439, March 19, 1953.

(b) *Requirements for award.* Awarded to members or former members of the Reserve components of the Armed Forces of the United States who complete or have completed a total of 10 years of honorable and satisfactory service as defined in Public Law 810, 80th Congress, Army and Air Force Vitalization and Retirement Equalization Act of 1948. The 10 years of service need not be consecutive, provided that such service was performed within a period of 12 consecutive years. For the purpose of this award, service as a member of a Reserve component will include those Reserve components which are enumerated in title III, section 306(c) Public Law 810, 80th Congress, as follows:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to enactment of Public Law 460, 80th Congress approved March 25, 1948.

(6) The Organized Reserve Corps.

(7) The Army of the United States without component. (Normally, all enlisted service prior to July 1940 was with the Regular component and not creditable. Conversely, service subsequent to July 1940 was Army of the United States and is creditable for this award.)

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve, and the Marine Corps Reserve Forces, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.
(12) The National Naval Volunteers.
(13) The Air National Guard.
(14) The Air Force Reserve (officer or enlisted sections).
(15) The Air Force of the United States without component.
(16) The Coast Guard Reserve.

(c) *Creditable service.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section may be credited toward award of the Armed Forces Reserve Medal until July 1, 1949. For service performed on or after July 1, 1949, members must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in section 302(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1087; 10 U.S.C. 1332), except that those persons in the Army of the United States or Air Force of the United States must compute time as follows:

(1) Active or inactive service prior to July 1, 1948, is creditable for those Army of the United States or Air Force of the United States officers appointed under the Act of September 22, 1941 (55 Stat. 728). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949, will be creditable for those Army of the United States or Air Force of the United States officers appointed under section 127a, National Defense Act, or section 515(e), Officer Personnel Act of 1947 (61 Stat. 906; 10 U.S.C. 8444).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the Act of September 22, 1941, unless otherwise indicated in the official records.

(d) *Service not creditable*—(1) *General.* Service in the following may not be credited:

(i) Inactive National Guard.
(ii) Inactive Air National Guard.
(iii) Nonfederally recognized status in the National Guard or Air National Guard.
(iv) Inactive Reserve Section or Honorary Reserve Guard of the Officers' Reserve Corps.
(v) Inactive Section or Honorary Section of the Air Force Reserve.
(vi) Honorary Retired List of the Naval and Marine Corps Reserve.
(vii) Inactive Status List of the Standby Reserve.
(viii) Retired Reserve.
(ix) Women's Army Auxiliary Corps.

(2) *Regular service.* Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded, will not be credited toward the award of the Armed Forces Reserve Medal, except that service in a Reserve component which is concurrent, in whole or in part, with service in a Regular component of the Armed Forces will not be considered a break in the necessary service period of 12 consecutive years (see paragraph (b) of this section).

(3) Attendance at aviation cadet training schools considered regular service: For the purpose of Subparts B through E of this part, periods of attendance at aviation cadet training schools (for those persons appointed "Aviation Cadets") are considered Regular service.

(e) *Determining eligibility.* Eligibility may be determined from data contained in items 5 and 19 of AF Form 11, "Officer Military Record"; AF Form 190, "USAF Reserve Personnel Record Card"; or a statement from the person concerned certifying that his service in a Reserve component meets the requirements of satisfactory Federal service as defined in section 306(b), Army and Air Force Vitalization and Retirement Equalization Act, 1948 (62 Stat. 1089; 10 U.S.C. 1332).

(f) *Hour-glass device.* One hour-glass device, with a Roman numeral "X" superimposed, may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each additional 10-year period of service under the same conditions as prescribed for award of the basic medal.

§ 882.215 Air Reserve Forces Meritorious Service Ribbon (ARFMSR).

(a) *Authorization.* Established by the Department of the Air Force on April 7, 1964.

(b) *Requirements for award.*—(1) *Quality of service.* The Air Reserve Forces Meritorious Service Ribbon is awarded for exemplary behavior, efficiency, and fidelity while serving in an enlisted status in the Air Reserve Forces. During the period considered for the award, there must be no convictions by courts martial and no record of punishment under Article 15. Where such conviction or record of punishment exists, creditable service toward the Air Reserve Forces Meritorious Service Ribbon will begin the day following the completion of any punishment imposed by a court martial, including punishment under Article 15.

(2) *Basis for award.* The Air Reserve Forces Meritorious Service Ribbon may be awarded only upon the specific recommendation of the individual's unit commander. In making recommendation for an award, the unit commander must carefully consider:

(i) The three prerequisite requirements for the award—exemplary behavior, efficiency, and fidelity.

(ii) All other information available within the unit reflecting the quality of service of the airman concerned.

(3) *Length of service.* Provided the above "quality" requirements are met, the basic ribbon may be awarded for a period of 4 continuous years of service computed from the date of assignment to a training category which has a requirement of a minimum of 24 inactive duty training periods and a 15-day tour of active duty for training each year. (Service performed while assigned to MOARS PART III positions is excluded.)

(4) *Training requirements.* These include:

(i) Attendance at 90% of all scheduled training periods each year for 4 consecutive years. (Appropriate duty may be credited in lieu of attendance at scheduled training.)

(ii) Completion each year for 4 consecutive years of active duty requirement for the training category to which assigned. (Major air commanders may waive the yearly tour of active duty for training when budgetary limitations prevent the performance of such tour.)

(5) *General.* When an airman of the Air Reserve Forces is called to active duty, such active duty will be credited toward the 4-year requirement under the following conditions:

(i) The individual must continue to serve as a member of a Reserve component until such time as the requirements for the award have been completed.

(ii) Active duty time credited toward the Air Force Good Conduct Medal may not be credited toward this award.

(iii) Periods of service as a commissioned officer or warrant officer will be excluded from the computation of service for this award.

NOTE: A period in excess of 24 hours between Reserve enlistments will be considered a break in service. Credit toward earning the award must begin anew after the break in service. Service performed in the Reserve components of the United States Army, Navy, Marine Corps, or Coast Guard may not be credited for award of the Air Reserve Forces Meritorious Service Ribbon under this regulation.

(c) *Effective date.* The basic ribbon may be awarded at any time after one year from the effective date of the establishment of this award (April 7, 1964), based on the preceding 4 years of service which meets the established criteria.

(d) *Subsequent awards.* A bronze oak-leaf cluster for each additional 4 years of qualifying service. A silver oak-leaf cluster is worn in lieu of five bronze oak-leaf clusters.

(e) *Precedence.* The ribbon will take precedence next after the Armed Forces Reserve Medal.

§ 882.216 USAF NCO Academy graduate ribbon (AFNCOAR).

(a) *Authorization.* Established by the Department of the Air Force on August 28, 1962.

(b) *Requirement for award.* Awarded to graduates of accredited Air Force Noncommissioned Officer Academies as defined in AFR 50-39 (Noncommissioned Officer Training) and the annual Hq USAF NCO Academy accrediting letter. Graduates of USAF NCO Academy classes conducted prior to original publication of AFR 50-39 are authorized to wear the ribbon only if the major air command which supervised the training determines that course standards were sufficiently high to merit award of the ribbon. Graduation from NCO leadership courses and similar training conducted by other military services does not qualify an individual for this award.

§ 882.217 Small Arms Expert Marksmanship Ribbon (SAEMR).

(a) *Authorization.* Established by the Department of the Air Force on August 28, 1962.

(b) *Requirement for award.* Awarded to Air Force personnel, including Reserve

component members whether or not on active duty, who, after January 1, 1963, qualify as "expert" in small arms marksmanship on the weapons specified and in accordance with AFR 50–8 (Small Arms Marksmanship Training). By issuance of appropriate special orders, the ribbon is awarded only once, regardless of the number of times an individual may qualify, and it may be permanently retained and worn by the qualifying individual.

§ 882.218 Philippine Defense Ribbon.

(a) *Authorization.* Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(b) *Requirements for award.* Awarded for combat service in the defense of the Philippines from December 8, 1941, to June 15, 1942, if the individual:

(1) Was a member of the Bataan or Manila Bay forces, or of a unit, ship, or airplane under enemy attack; or

(2) Was assigned or stationed in Philippine territory or in Philippine waters for at least 30 days during the period cited above.

(c) *Bronze service star.* A person who meets both conditions set forth in paragraph (b) of this section is authorized to wear a bronze service star on the ribbon.

§ 882.219 Philippine Liberation Ribbon.

(a) *Authorization.* Established by General Orders 8, Army Headquarters, Commonwealth of the Philippines, 1944.

(b) *Requirements for award.* Awarded for participation in the liberation of the Philippines from October 17, 1944, to September 3, 1945, if the individual:

(1) Participated in the initial landing operations on Leyte or adjoining islands from October 17, 1944, to October 20, 1944. A person will be considered as having participated in such operations if he landed on Leyte or adjoining islands, was on a ship in Philippine waters, or was a crew member of an airplane which flew over Philippine territory during the period.

(2) Participated in any engagement against the enemy during the campaign on Leyte and adjoining islands. A person will be considered as having participated in such operations if he was a member of and present with a unit actually under enemy fire or air attack, served on a ship which was under enemy fire or air attack, or was a crew member in an airplane which was under enemy aerial or ground fire.

(3) Served in the Philippine Islands or ships in Philippine waters for not less than 30 days during the period cited above.

(c) *Bronze Service Star.* Persons who meet more than one of the conditions set forth in paragraph (b) of this section are authorized to wear a bronze service star on the ribbon for each additional condition under which they qualify.

§ 882.220 Philippine Independence Ribbon.

(a) *Authorization.* Established by General Orders 383, Army Headquarters, Commonwealth of the Philippines, 1946.

(b) *Requirements for award.* Awarded to personnel who are recipients of both the Philippine Defense and Philippine Liberation ribbons.

NOTE: Personnel who were awarded the Philippine Independence Ribbon in accordance with the criteria formerly announced in AFR 35–50 (now obsolete) may continue to wear the award notwithstanding the change in requirement stated in paragraph (b) of this section.

Subpart D—Non-United States Service Medals

§ 882.300 United Nations Service Medal.

(a) *Authorization.* Established by the United Nations General Assembly Resolution 483(V), December 12, 1950. The President accepted for the United States Armed Forces.

(b) *Requirements for award*—(1) *Qualifications.* Personnel must be:

(i) Members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater; or

(ii) Other personnel dispatched to Korea or adjacent areas as members of para-military and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported the military operations in that area.

NOTE: Personnel awarded the Korean Service Medal automatically establish eligibility for the United Nations Service Medal.

(2) *Service.* The service must have been performed between June 27, 1950, and July 27, 1954, inclusive, under any of the following conditions:

(i) While on permanent assignment to any designated combat or service unit;

(ii) While attached to any designated combat or service unit for a period of 30 days, consecutive or nonconsecutive; or

(iii) While in active combat against the enemy under conditions other than those prescribed in subdivisions (i) and (ii) of this subparagraph, provided that the individual was awarded a combat decoration or furnished a certificate by the commander of a division, comparable or higher unit; commander of a ship, comparable or higher unit; or commander of an Air Force group, comparable or higher unit, stating that he actually participated in combat.

(c) *Persons ineligible for award.* Personnel of the United Nations, its specialized agencies, or of any government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea, will not be eligible for the award of the United Nations Service Medal.

§ 882.301 United Nations Medal (UNM).

(a) *Authorization.* Established by the Secretary General of the United Nations by Dispatch 109, July 30, 1959, and Regulations for the United Nations Medal, July 1959. The President accepted for the United States Armed Forces.

(b) *Requirements for award.* Military personnel who have been or are specifically identified by the United Nations as having performed qualifying service with one of the following organizations are eligible for an award of the medal:

(1) United Nations Observation Group in Lebanon.

(2) United Nations Truce Supervision Organization in Palestine.

(3) United Nations Military Observer Group in India and Pakistan.

(4) United Nations Security Forces, Hollandia.

(c) *Policy and procedures.* (1) Military personnel presently serving with any of the specified groups and those subsequently assigned will be awarded the United Nations Medal in the field by the Senior Representative of the Secretary General.

(2) A minimum period of 6 months has been established by the Secretary General of the United Nations as the period of service required for eligibility to receive the award.

(3) Individuals with previous United Nations service with the specified groups who believe themselves eligible for the United Nations Medal may submit applications to USAF Mil Pers Cen (AFPMPPE), Randolph AFB, Tex., 78148. Each application should include complete details related to United Nations duty including geographical location and inclusive dates of service. Such applications will be referred to the United Nations for consideration and determination of eligibility.

Subpart E—Lapel Buttons

§ 882.400 Lapel buttons.

The authorized lapel buttons are listed below. They may be worn only with civilian clothes.

(a) *Good Conduct Medal, American Defense Service Medal, and Women's Army Corps Service Medal lapel buttons.* These lapel buttons are $^{21}/_{32}$ inch wide and $^{1}/_{8}$ inch long and are in colored enamel, being a reproduction of the service ribbon.

(b) *World War II Honorable Service lapel button.* This button is of gold-colored metal, bearing an eagle on a ring around 13 stripes. It is awarded for honorable Federal military service between September 8, 1939, and December 31, 1946.

(c) *Air Force Lapel Button.* The Air Force Lapel Button consists of the winged Air Force star in gold- and silver-colored metal. All members of the Air Force on active duty; members of the Reserve components, including members of the Air Force Reserve Officers' Training Corps; and personnel carried on Air Force retired lists are entitled to wear the lapel button.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 65–2043; Filed, Feb. 26, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

PART 539—CONVERSIONS BETWEEN PAY SYSTEMS

Rate of Basic Compensation

Paragraph (a) of § 531.512 and paragraph (d) of § 539.203 are amended to correct the references therein from § 531.203(b) to § 531.203(c). As amended, §§ 531.512(a) and 539.203(d) read as follows:

§ 531.512 **Rate determination.**

(a) At the time of an employee's demotion, the department shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic compensation if he were not entitled to a retained rate. When the department does not select a higher rate under § 531.203(c), it shall determine the rate, subject to the provisions of paragraph (b) of this section, as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

* * * * *

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072; sec. 507 as added by 70 Stat. 291, as amended; 5 U.S.C. 1107)

§ 539.203 **Rate of basic compensation in conversion actions.**

* * * * *

(d) When the employee is receiving a rate of basic compensation above the maximum rate of the grade in which his position is placed, he is entitled to retain his former rate as long as he remains continuously in the same position or in a position of higher grade in the same department, or until he receives a higher rate of basic compensation by operation of the act and Part 531 of this chapter. The employee may retain his former rate on subsequent reassignment as defined in § 531.202(m) of this chapter. If the employee is subsequently demoted to a position under the act, the department shall determine his rate of basic compensation in accordance with § 531.203(c) or Subpart E of Part 531 of this chapter, as appropriate.

(Sec. 1101, 63 Stat. 971, sec. 802(d) as added by sec. 604(b), 76 Stat. 848; 5 U.S.C. 1072, 1132(d))

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

[F.R. Doc. 65-2074; Filed, Feb. 26, 1965; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 332-65]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart B—Office of the Attorney General

ASSIGNING FUNCTIONS TO EXECUTIVE ASSISTANT TO THE ATTORNEY GENERAL WITH RESPECT TO PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY AND PRESIDENT'S COUNCIL ON EQUAL OPPORTUNITY

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), and in conformity with section 102(c) of Executive Order No. 10925 and section 2(2) and section 8 of Executive Order No. 11197, it is hereby ordered as follows—

1. Section 0.6 of Part 0 of Title 28 of the Code of Federal Regulations (relating to the duties of the Executive Assistant to the Attorney General) (Order No. 271-62) is hereby amended by inserting a new paragraph (b-1) immediately after paragraph (b) thereof as follows:

§ 0.6 **Executive Assistant.**

* * * * *

(b-1) Serve as—

(1) The alternate of the Attorney General on the President's Committee on Equal Employment Opportunity pursuant to section 102(c) of Executive Order No. 10925;

(2) The alternate of the Attorney General on the Council on Equal Opportunity pursuant to section 2(2) of Executive Order No. 11197; and

(3) The designee of the Attorney General to oversee and coordinate equal opportunity activities within the Department and to serve as liaison with the Council pursuant to section 8 of Executive Order No. 11197.

2. Paragraph 1 of Order No. 299-63 of July 19, 1963, is hereby superseded.

3. The amendment made by this Order shall be effective upon the publication of this Order in the FEDERAL REGISTER.

NICHOLAS DEB. KATZENBACH,
Attorney General.

FEBRUARY 23, 1965.

[F.R. Doc. 65-2042; Filed, Feb. 26, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

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

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date of Certain Amendments

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until April 1, 1965, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on March 1, 1965, when a prior order (30 F.R. 981) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210; 30 F.R. 1260; 30 F.R. 2160)

This action shall become effective on March 1, 1965.

Done at Washington, D.C., this 24th day of February 1965.

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

[F.R. Doc. 65-2079; Filed, Feb. 26, 1965; 8:47 a.m.]

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

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 3]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

SPECIAL PROVISIONS FOR BURLEY TOBACCO REFERENDUM

1. *Basis and purpose.* This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, to authorize the extension for 1 day, in certain designated States, of the burley tobacco marketing quota referendum for the 1965-66, 1966-67, and 1967-68 marketing years, the date for which was originally established as February 25, 1965 (30 F.R. 1013). Because of heavy snow and other extreme weather conditions prevailing in the States of Indiana, Kentucky, Ohio, and Tennessee on Feb-

ruary 25, 1965, it has been virtually impossible to open the polls throughout these States at the appointed time and for many eligible voters to appear for voting on such date. This amendment extends for 1 day the holding of the referendum in these States in order that eligible voters therein may have adequate opportunity to vote.

In view of the emergency conditions and the necessity for the immediate issuance of this amendment, it is hereby found and determined that compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act are impracticable and contrary to the public interest, and this amendment shall become effective upon filing with the Director, Office of the Federal Register.

2. A new § 717.15 is added to read as follows:

§ 717.15 Emergency provisions applicable to burley tobacco referendum for 1965–66, 1966–67, and 1967–68 marketing years.

Notwithstanding any other provision of the regulations in this part and in the notice of referendum on burley tobacco for the 1965–66, 1966–67, and 1967–68 marketing years published in the January 30, 1965, daily issue of the FEDERAL REGISTER (30 F.R. 1013), because of the extreme weather conditions which have made it virtually impossible to open the polls throughout the States of Indiana, Kentucky, Ohio, and Tennessee at the appointed time on February 25, 1965, the date set for the referendum in said notice, and for many eligible voters to appear for voting on such date, the polls for the referendum shall also be open on February 26, 1965, in the States of Indiana, Kentucky, Ohio, and Tennessee, and persons eligible to vote may cast their votes either on February 25 or February 26, 1965, in accordance with the regulations in this part. For the purpose of applying time limits to the canvassing of ballots, reporting the results of the voting, handling of disputes and challenges, the date of February 26, 1965, shall be used in the above-designated States.

(Secs. 312, 375, 52 Stat. 46, as amended, 65; 7 U.S.C. 1312, 1375)

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

Signed at Washington, D.C., on February 25, 1965.

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

[F.R. Doc. 65-2127; Filed, Feb. 25, 1965; 2:36 p.m.]

[Amdt. 5]

PART 729—PEANUTS

Subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops

MISCELLANEOUS AMENDMENTS

Basis and purpose. a. The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to make changes in the release and reapportionment provisions of the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 7983, 13027, 16185). The amendments contain (1) the current addresses of the ASCS State offices for the peanut-producing States, and (2) changes in closing dates for all counties in the States of Alabama, Oklahoma, and South Carolina for voluntarily releasing peanut acreage which will not be used on the farm to which allotted, and (3) changes in the dates by which a written request must be filed for reapportionment of peanut acreage released in all counties in the States of Alabama, Oklahoma, and South Carolina.

b. Public notices of intention to issue these amendments were given with respect to the State of Alabama (30 F.R. 757) and with respect to the States of Oklahoma and South Carolina (30 F.R. 224), in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1003). No data or views and recommendations were received in response to these notices.

c. Since peanut producers need to know as soon as possible whether additional peanut acreage will be available under the release and reapportionment provisions of the regulations in order to complete their plans for the 1965 peanut production, it is hereby determined that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, this docket shall become effective upon the date of filing with the Director, Office of the Federal Register.

1. Section 729.1415 is amended to read as follows:

§ 729.1415 ASCS offices.

"ASCS county office" and "ASCS State office" means the offices of the Agricultural Stabilization and Conservation county committee and State committee, respectively. The addresses of the ASCS State offices for peanut-producing States are:

Room 714, 474 South Court Street, Montgomery, Ala., 36104.

Room 6008, Federal Building, 230 North First Avenue, Phoenix, Ariz., 85025.

Room 5416, New Federal Building, 700 West Capitol Avenue, Post Office Box 2781, Little Rock, Ark., 72201.

2020 Milvia Street, Berkeley, Calif., 94704.

U.S. Post Office and Courthouse, 400 Southeast First Avenue, Post Office Drawer 670, Gainesville, Fla., 32601.

Old Post Office Building, Post Office Box 1552, Athens, Ga., 30601.

3737 Government Street, Alexandria, La., 71303.

420 Milner Building, 200 South Lamar Street, Post Office Box 1251, Jackson, Miss., 39205.

I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo., 65201.

Room 4406, Federal Building, 517 Gold Avenue SW., Post Office Box 1706, Albuquerque, N. Mex., 87103.

1330 St. Mary's Street, Raleigh, N.C., 27605.

Agriculture Center Office Building, Stillwater, Okla., 74074.

Seventh Floor, Federal Office Building, 901 Sumter Street, Post Office Box 660, Columbia, S.C., 29202.

Room 579, U.S. Courthouse, Nashville, Tenn., 37203.

U.S.D.A. Building, College Station, Tex., 77841.

New Federal Building, 400 North Eighth Street, Richmond, Va., 23240.

§ 729.1435 [Amended]

2.a. Section 729.1435(a) is amended to establish March 3 for all counties in Alabama, May 1 for all counties in Oklahoma and April 15 for all counties in South Carolina as the closing dates for voluntarily surrendering in writing to the county committee peanut acreage which will not be used on the farm to which allotted.

2.b. Section 729.1435(b) is amended to establish March 3 for all counties in Alabama, May 1 for all counties in Oklahoma and April 15 for all counties in South Carolina as the dates by which a written request must be filed by the farm owner or operator at the office of the county committee for a farm to be eligible to receive a reapportionment of released peanut acreage.

(Secs. 358, 375, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1375)

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

Signed at Washington, D.C., on February 24, 1965.

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

[F.R. Doc. 65-2075; Filed, Feb. 25, 1965; 12:40 p.m.]

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

[Grapefruit Reg. 51]

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

Limitation of Shipments

§ 905.458 Grapefruit Regulation 51.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 23, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., March 1, 1965, and ending at 12:01 a.m., e.s.t., March 15, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(ii) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 1 Russet: *Provided*, That such grapefruit which grade U.S. No. 2 or U.S. No. 2 Bright may be shipped if such grapefruit meet the requirements as to form (shape) and color specified in the U.S. No. 1 grade; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: February 24, 1965.

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

[F.R. Doc. 65–2080; Filed, Feb. 26, 1965; 8:48 a.m.]

[Navel Orange Reg. 75]

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

Limitation of Handling

§ 907.375 Navel Orange Regulation 75.

(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 effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for 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 February 25, 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., February 28, 1965, and ending at 12:01 a.m., P.s.t., March 7, 1965, are hereby fixed as follows:

(i) District 1: 850,000 cartons;

(ii) District 2: 550,000 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: February 26, 1965.

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

[F.R. Doc. 65–2181; Filed, Feb. 26, 1965; 11:37 a.m.]

[Valencia Orange Reg. 107]

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

Limitation of Handling

§ 908.407 Valencia Orange Regulation 107.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication

hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 28, 1965, and ending at 12:01 a.m., P.s.t., March 1, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: 55,100 cartons.

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

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

Dated: February 26, 1965.

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

[F.R. Doc. 65-2182; Filed, Feb. 26, 1965; 11:37 a.m.]

[Grapefruit Reg. 24]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.324 Grapefruit Regulation 24.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, 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 of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on February 18, 1965, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on February 23, 1965; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., February 28, 1965, and ending at 12:01 a.m., P.s.t., March 28, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade and which are not free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That the tolerance prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3\frac{11}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{11}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{11}{16}$ inches in diameter directly to a destination in Zone 4, Zone 3 or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3\frac{6}{16}$ inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3\frac{6}{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{6}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3\frac{13}{16}$ inches in diameter and smaller.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

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

Dated: February 25, 1965.

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

[F.R. Doc. 65-2149; Filed, Feb. 26, 1965; 8:49 a.m.]

[Lemon Reg. 150]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.450 Lemon Regulation 150.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons

grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 24, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 28, 1965, and ending at 12:01 a.m., P.s.t., March 7, 1965, are hereby fixed as follows:

(i) District 1: 13,950 cartons;

(ii) District 2: 172,050 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 25, 1965.

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

[F.R. Doc. 65-2150; Filed, Feb. 26, 1965; 8:49 a.m.]

[Grapefruit Reg. 26]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.326 Grapefruit Regulation 26.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit 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 grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such grapefruit as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, 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 Indian River grapefruit; 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 February 25, 1965.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., March 1, 1965, and ending at 12:01 a.m., e.s.t., March 8, 1965, is hereby fixed at 160,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" 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: February 26, 1965.

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

[F.R. Doc. 65-2183; Filed, Feb. 26, 1965; 11:37 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1965 Cotton Domestic Allotment Program Regulations

Sec.

Sec.
1427.2020 Successors-in-interest.
1427.2021 Scheme or device and fraudulent representation.
1427.2022 Reconstitution of farms.
1427.2023 Provision for handling exceptional cases.
1427.2024 Supervisory authority of State committee.
1427.2025 Delegation of authority.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, secs. 103, 105, and 106, 78 Stat. 173, secs. 101, 401, 63 Stat. 1051; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441.

§ 1427.2001 General.

(a) The regulations in this subpart provide terms and conditions for the 1965 domestic allotment program for upland cotton (referred to in this subpart as "the program"). Under the program, additional price support payments will be made by Commodity Credit Corporation (referred to in this subpart as "CCC") to producers of upland cotton (referred to in this subpart as "cotton") of the 1965 crop based on the planted acreage of cotton on participating farms if such cotton acreage is not in excess of the 1965 farm domestic allotments and other program requirements are met.

(b) The program is applicable in all of the upland cotton producing counties of the United States.

§ 1427.2002 Administration.

(a) The program will be administered under the general supervision of the Administrator, ASCS (Executive Vice President, CCC), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees.

(b) State and county committees and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 1427.2003 Definitions.

In the regulations in this subpart and in all instructions, forms and documents in connection therewith, words and phrases shall have the meanings assigned to them in the Regulations Governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, as amended, Part 719 of this title, and the Acreage Allotment and Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton, as amended, of Part 722 of this title.

§ 1427.2004 Farm domestic allotments for 1965.

The county committee will establish a farm domestic allotment for cotton for each farm for 1965 as provided in § 722.229 of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton of this title, as amended.

§ 1427.2005 County normal yields, farm normal yields, farm productivity indexes, and farm payment rates.

(a) *County normal yields.* The normal yields for the 1965 crop of cotton for the various upland cotton-producing counties of the United States have been determined and are published in § 722.260 of this title.

(b) *Appraisal of farm normal yields.* Where a producer has not proven the actual yields of cotton for a farm for each of the years 1961, 1962, and 1963, as provided in § 1427.2007, the normal yield for the farm for the 1965 crop of cotton shall be appraised by the county committee by multiplying the normal yield for the county for the 1965 crop of cotton by the productivity index for cotton on the farm.

(c) *Farm productivity indexes.* The productivity index for cotton on the farm shall be a productivity index determined for the farm by the county committee on the basis of an index of 100 as the average for all cotton farms in the county. The productivity index for cotton on the farm shall represent, as nearly as it is practicable to establish, the farm's relationship in productivity to the average of the farms in the county. In arriving at such productivity index, the county committee shall take into consideration the relative production capabilities of the farm for cotton in a normal crop year under usual production practices. The county committee shall make such adjustment as it considers necessary to provide equitable treatment for each farm.

(d) *Farm payment rates.* The farm payment rate per acre shall be the result obtained by multiplying the farm normal yield established under this subpart by the 1965 additional price support payment rate of 4.35 cents per pound.

§ 1427.2006 Notice of farm domestic allotment, normal yield, and payment rates.

Each operator of a farm which has a 1965 farm acreage allotment for cotton shall be notified by the county committee of the farm normal yield on Form MQ–24–1, Notice of Farm Acreage Allotment and Marketing Quota, and the farm domestic allotment and payment rate established for his farm on Form MQ–24–Upland Cotton, 1965 Upland Cotton Notice, Farm Domestic Allotment, Normal Yield and Payment Rate.

§ 1427.2007 Appeals.

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

(b) If a producer proves the actual yields of cotton for a farm for each of the years 1961, 1962, and 1963, a revised normal yield for the farm for the 1965 crop of cotton shall be determined which shall be the 3-year weighted average harvested yield for the farm: *Provided*, That the producer whose production records are used to prove yields on the farm shall be required to furnish production data for all other farms in the county or nearby counties in which he had an interest in any of the years for which the yields are proven (unless there is conclusive evidence that the records presented are in fact for the specific farm), and such data shall be used in making determinations for such other farms in which the producer has an interest in the current year.

§ 1427.2008 Requirements for eligibility.

(a) *General.* A producer will be eligible to receive payments under the program if he is a producer on a farm which is determined by CCC to meet the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section and all of the other requirements of this subpart.

(b) *Farm requirements.* (1) A Form ASCS–378, Agreement to Participate and Application for Payment must be filed for the farm.

(2) The final planted cotton acreage in 1965 on the farm must not exceed the 1965 farm domestic allotment for cotton for the farm: *Provided*, That such allotment shall not be considered as having been exceeded in any case determined by CCC to fall in one of the following cases:

(i) In any case where (*a*) through error in a county or State office the farm operator was officially notified in writing of a 1965 farm domestic allotment for cotton which was larger than the correct allotment; (*b*) the farm operator or other producer on the farm acting solely in reliance on the information contained in the erroneous notice planted an acreage of cotton in excess of the correct allotment; and (*c*) the farm operator or other producer on the farm is not notified that the correct allotment has been exceeded in time to adjust the acreage of cotton on the farm to the allotment within the time limit for such adjustments. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of harvest, the size of the farm, the amount of cotton customarily planted, and all other pertinent facts shall be taken into consideration.

(ii) In any case where (*a*) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (*b*) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the acreage planted to cotton on the farm in accordance with this subpart; (*c*) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing, or recording the cotton acreage for the farm; (*d*) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (*e*) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(iii) In any case where (*a*) through no fault of the farm operator or any producer on the farm the cotton acreage was not measured or the farm operator

was not notified of the measured acreage in time to adjust the acreage planted to cotton on the farm in accordance with this subpart; (b) the excess acreage was relatively small; and (c) the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the cotton acreage was in excess of the farm domestic allotment.

(3) Even though a 1965 farm domestic allotment for cotton is established for a farm, if a producer is prohibited from planting cotton on the farm under other Federal farm programs, the farm is not eligible to receive payment under this subpart. Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of cotton, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession shall not be eligible for participation in the program.

(4) For purposes of compliance with the program, the acreage planted to cotton on the farm may be adjusted to the 1965 farm domestic allotment for the farm in the manner specified in the Acreage Allotment and Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton of Part 722 of this title within the applicable disposition dates specified in such regulations.

(5) If the 1965 domestic farm allotment for cotton for the farm is less than the effective farm acreage allotment for cotton, the farm feed grain acreage, as defined in the 1964 and 1965 Feed Grain Program Regulations, must not exceed the total farm feed grain base as defined in such regulations by more than the larger of (i) 2 acres or (ii) 5 percent of the total feed grain base but not to exceed 15 acres.

(c) *Producer eligibility requirements.* The producer must be a person who produces cotton on the farm in 1965 as landowner, landlord, tenant, or sharecropper and is entitled to share in the cotton crop on the farm.

§ 1427.2009 Intention to participate.

An Agreement to Participate and Application for Payment, Form ASCS–378, must be filed by March 26, 1965, with the Office of the ASC county committee for each farm on which the domestic allotment is less than the effective allotment, except as follows:

(a) The final date for filing may be extended if the operator establishes that his failure to file by March 26, 1965, was due to causes occurring without his fault or negligence. Such extension may be by the State committee representative if the extended final date for filing is not later than the county normal planting season for upland cotton but must be by the Deputy Administrator for State and County Operations if the extended final date for filing is beyond the county normal planting season for upland cotton.

(b) If a farm is reconstituted or released cotton acreage is reapportioned to the farm and if the final domestic allotment for the farm is less than the final effective allotment, the farm operator will have 15 days after the date of the revised Form MQ–24–Upland Cotton or to March 26, 1965, whichever date is later, to file a new or revised Form ASCS–378. If a Form ASCS–378 was filed prior to the reconstitution or reapportionment, such Form ASCS–378 shall be null and void.

§ 1427.2010 Determinations of compliance.

(a) Determination of the acreage planted to cotton on a farm and compliance with the farm domestic allotment for cotton shall be made for CCC by a representative of the county committee or State committee in accordance with the regulations governing Determination of Acreage and Performance, Part 718 of this title, as amended.

(b) A representative of the State or county committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm concerning which representations have been made on any forms filed under the program in order to measure the acreage planted to cotton, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representations and the performance of his obligations under this subpart.

§ 1427.2011 General provisions relating to payments.

(a) *Division of payments.* The total advance payment and final payment with respect to any farm shall be shared by all eligible producers on the farm on the same basis as they share in the cotton crop produced on the farm or the proceeds thereof, except that where there are two or more tenants or sharecroppers on the farm, the payment shall be divided in such a way that all eligible producers will share in the payment on a fair and equitable basis. The responsibility for determining the division of payment rests initially with the cotton producers on the farm, all of whom must be listed on Form ASCS–378. The division of payment shall also be shown on Form ASCS–378. The division of payment must be approved by the county committee, which will approve the division of payment if it meets the foregoing requirements, subject to the other provisions of this subpart. If there are two or more tenants or sharecroppers on the farm and the cotton producers on the farm cannot agree on the division of payment, or if the county committee does not approve the division agreed upon as being fair and equitable, the county committee will determine the payment share to such producers on a fair and equitable basis. In determining what is a fair and equitable basis for division of a payment, the county committee shall consider the basis on which such producers share in the cotton crop produced on the farm or the proceeds thereof, the respective contribution of each producer in complying with the farm domestic allotment, and other pertinent factors.

(b) *Amount of payments.* The total amount to be paid with respect to any farm on which a payment is earned under this subpart shall be determined by multiplying the farm payment rate per acre by the number of acres of cotton planted for harvest on the farm, not to exceed the farm domestic allotment.

(c) *Refund of payments.* Payments which producers receive to which they are not entitled under this subpart shall be refunded to CCC. If an advance payment made to a producer is greater than the total payment earned by him under this subpart, the excess amount shall be refunded. If producers are determined by CCC to be ineligible for payment for any reason after payments are made to them, such payments shall be refunded with interest at 6 percent per annum from the dates of the payments to the date they are refunded.

§ 1427.2012 Advance payments.

(a) *General.* Advance payments may be made to eligible producers in amounts specified by the Administrator on the basis of the operator's intentions as shown on Form ASCS–378.

(b) *Requirements.* All producers eligible to share in the advance or final payment shall execute Form ASCS–378 before any payments are approved in order that proper division of the total payment may be determined: *Provided,* That if a producer whose name is listed on Form ASCS–378 refuses or is unable to sign the form, the county committee may approve payments to other producers upon a determination that the division of payment is fair and equitable. Advance payments will be made only to those producers requesting an advance payment at the time of signup on Form ASCS–378.

(c) *Eligible producers.* Only producers on farms where an actual reduction from the effective allotment to the domestic allotment must be made in order to comply with the program are eligible for advance payments.

(d) *Amount of advance payment.* The total advance payment for the farm will be one-half the product of the intended acreage as shown on Form ASCS–378 multiplied by the farm's payment rate per acre. Each producer's share of the payment will be computed by multiplying his percentage share of the payment as shown on the Form ASCS–378 by the total advance payment for the farm.

§ 1427.2013 Final payments.

(a) *Request for final payment.* Final payments to producers shall be made after the farm operator has certified on Form ASCS–378 that the farm is in compliance with the requirements of the program, and after the county committee determines that the farm is in compliance with such requirements. An application for payment may not be filed after July 31, 1966, except that an extension of time for filing the application will be granted by the State committee if it determines that the producer has been or will be delayed in submitting an application for payment by a cause occurring without his fault or negligence.

(b) The final payment for the farm shall be the total payment for the farm

minus the total amount of all advance payments for the farm.

(c) *Final payment due each producer.* The amount of the final payment for each producer shall be determined by multiplying his percentage share of the total payment for the farm by the total payment for the farm and deducting therefrom any advance payment which he may have received.

§ 1427.2014 Failure to comply with domestic allotment.

If a Form ASCS–378 is filed, and if CCC determines that the final planted acreage of cotton in 1965 on the participating farm exceeds the 1965 farm domestic allotment for cotton for the farm (unless such allotment is not considered by CCC as having been exceeded pursuant to the provisions of paragraph (b)(2) of § 1427.2008), producers on the farm shall:

(a) Be ineligible for a payment and be required to refund to CCC any payments made to them, plus interest at 6 percent per annum from the date of the payments to the date they are refunded; and

(b) Be ineligible for a price support loan on any of the 1965 crop of cotton produced on such farm.

§ 1427.2015 Issuance of certificates.

The county committee will, except where the producers have requested CCC's assistance in marketing their certificates, issue to each eligible producer on the farm a cotton payment-in-kind certificate (Form CCC–845) for the amounts to be paid to each producer as advance and final payments, subject to the following terms and conditions:

(a) *Payee.* Each certificate will be issued only to the producer who is entitled to the payment, unless CCC consents in writing to the assignment by the producer of his right to payment.

(b) *Face value.* The face value of each certificate, which will be shown in the space provided, will be the amount determined to be payable to the payee. A certificate shall be accepted by CCC at face value, if within 30 days after the date of issuance, it is tendered to CCC for redemption in cotton or for marketing. If after such 30-day period but not later than the expiration date of the certificate, the certificate is tendered to CCC for redemption in cotton or for marketing, the value at which the certificate is accepted shall be the face value minus one-hundredth of 1 percent of the face value for each day beginning on the 31st day after issuance thereof to but not including the day it is tendered to CCC for redemption or for marketing. Such reduction in value is made in lieu of deducting the actual storage and carrying charges against the cotton.

(c) *Date of issuance.* The date of issuance shown on each certificate shall be the date the certificate is issued. Substitute certificates issued to replace original certificates never received by the payee shall bear a current date of issuance. Substitute certificates issued to replace other original certificates shall bear the same date of issuance as the certificate being replaced.

(d) *Signature and countersignature.* To be valid, each certificate must be signed and countersigned by authorized representatives of CCC.

(e) *Transfer.* The certificate may be transferred to any person or firm, in which case the certificate must be endorsed by the named payee and by the holder who presents it to CCC.

(f) *Expiration date.* The certificate shall expire 3 years after date of issuance and thereafter will not be redeemable by CCC.

§ 1427.2016 Redemption of certificates.

Certificates shall be redeemable in cotton upon terms and conditions established by the Executive Vice President, CCC, by submitting an application to the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, 120 Marais Street, New Orleans, La. If the full amount of the face value of a certificate tendered by the payee or a subsequent holder for redemption in cotton is not fully redeemed in cotton, a balance certificate shall be issued to the certificate holder for the unused amount. If the amount is $3 or less, no balance certificate will be issued unless requested. The date of the balance certificate shall be the date of issuance of the original certificate. Balance certificates may be tendered to CCC for redemption in cotton or for a cash advance in the same manner as the original certificates.

§ 1427.2017 Cash advance.

A cash advance shall be made by the county committee on behalf of CCC to the payee or any subsequent holder who requests CCC's assistance in marketing a certificate earned by him under this subpart. If such request is made at the time the payee applies for payment, constructive issuance of the certificate to the payee will be made by making the cash advance and crediting a certificate pool with the value of the certificate earned by him. If a payee does not request CCC's assistance in marketing his certificate at such time, he or a subsequent holder of the certificate may subsequently request CCC's assistance in marketing the certificate by delivering it to the county committee for marketing. Such certificate shall also be credited to a certificate pool. A cash advance to a payee or subsequent holder of a certificate shall be made in the form of a CCC sight draft for the face value of the certificate less any applicable reduction in value for storage and carrying charges, as provided in § 1427.2015.

§ 1427.2018 Marketing of certificates.

All certificates for which payees or subsequent holders have requested CCC's assistance in marketing and received cash advances shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool shall be the total of the value of the certificates of which CCC has made constructive issuance to the payees and the value of the certificates delivered to the county offices by the payees or subsequent holders for marketing by CCC. Such amount shall be equal to the amount of cash advances. CCC shall market the rights represented by pooled certificates upon terms and conditions established by the Executive Vice President, CCC, at such times and in such manner as CCC determines will best effectuate the purposes of the program.

§ 1427.2019 Additional provisions relating to tenants and sharecroppers.

Form ASCS–378 for a farm shall not be approved for payment by the county committee if the county committee determines that any of the following conditions exist, and if any of such conditions are discovered after approval of Form ASCS–378, all, or such part as the State committee may determine, of the payments which have been received by such producers shall be refunded to CCC.

(a) The landlord or operator has, in anticipation of or because of participating in the program, reduced the number of tenants and sharecroppers on the farm (if a tenant or sharecropper leaves the farm voluntarily or for some reason other than being forced off the farm by the landlord or operator in anticipation of or because of participating in the program, the failure to replace such tenant or sharecropper shall not be considered as a reduction in anticipation of or because of participating in the program).

(b) There exists between the operator or landlord and any tenant or sharecropper, any lease, contract, agreement or understanding unfairly exacted or required by the operator or landlord which was entered into in anticipation of participating in the program, the effect of which is:

(1) To force the tenant or sharecropper to pay over to the landlord or operator any payment earned by him under the program;

(2) To change the status of any tenant or sharecropper so as to deprive him of any payment or right which he would otherwise have had under the program;

(3) To reduce the size of the tenant's or sharecropper's producer unit; or

(4) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper; or

(c) Any other scheme or device has been adopted for the purpose of depriving any tenant or sharecropper of the payment to which he would otherwise be entitled to receive under this program.

§ 1427.2020 Successors-in-interest.

(a) In case of the death, incompetency, or disappearance of any producer whose name appears on Form ASCS–378, the price support payment due him shall be made to his successor, as determined in accordance with provisions of the regulations in ACP 122, as amended, issued by the Secretary, Part 707 of this title, as amended, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) Notwithstanding any other provision of this section, (1) if any person who has or would have an interest as producer of cotton on the farm (herein called "predecessor") leaves the farm before the cotton on the farm is harvested and is succeeded on the farm by another pro-

ducer (herein called "successor"), their share of the payment shall be divided on such basis as they agree is fair and equitable, and (2) if such persons are unable to agree to a division of the payment, the payment shall be issued to the producer who has the interest in the cotton crop at the time of harvest, and if the cotton crop is completely destroyed prior to harvest, the payment shall be made to the producer who had the interest at the time of destruction of the crop: *Provided*, That if the payment is made to the predecessor prior to notification to the county committee of such change of producers, payment shall not be made to the successor unless a refund of such payment is obtained by CCC.

§ 1427.2021 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or by the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the program shall refund any payment received by him.

(b) The making of a fraudulent representation by a person in the payment documents or otherwise for the purpose of obtaining a payment from the county committee shall render such person liable for a refund of the payments wrongfully received by him in addition to any liability under criminal and civil frauds statutes.

§ 1427.2022 Reconstitution of farms.

(a) Reconstitution of farms shall be made, where applicable, in accordance with the regulations governing Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreage, 7 CFR Part 719, and any amendments thereto. Farm domestic allotments shall be recomputed on the basis of the allotment and history acreage for the farms as constituted for 1965. If, under such regulations, two or more farms as constituted at the time productivity indexes were established are combined into one farm, or if one farm as constituted at that time is later divided into two or more farms, the normal yield for the combined or divided farm(s), as reconstituted, will be redetermined by the county committee.

(b) The normal yield established for a combined farm shall not, except for rounding, exceed the weighted average of the normal yield established for the component parts. When a parent farm is divided into two or more parts, the weighted average of the normal yields established for the component parts shall not, except for rounding, exceed the normal yield established for the parent farm prior to being divided.

§ 1427.2023 Provision for handling exceptional cases.

Where a producer, in reasonable reliance upon any instruction or commitment of any member, employee, or representative of a county or State committee, in good faith, substantially performs under the program, the Deputy Administrator, State and County Operations, may review the requirements of any provision of the regulations in this subpart and if, in his judgment, relief from the requirements of such provision is justified under all the circumstances of the case to permit a proper disposition thereof, allow payment for such substantial performance in an amount not to exceed the amount which would have been due for the required performance, provided such action is not prohibited by statute.

§ 1427.2024 Supervisory authority of State committee.

The State committee may take any action required by this subpart which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations in this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations in this subpart.

§ 1427.2025 Delegation of authority.

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

Reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed at Washington, D.C., on February 24, 1965.

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

[F.R. Doc. 65-2076; Filed, Feb. 25, 1965; 12:40 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 64-SO-69]

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

Redesignation of Transition Area

On January 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 96) stating that the Federal Aviation Agency proposed to redesignate the Augusta, Ga., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 29, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the portion of the Augusta, Ga., transition area having a floor of 700 feet above ground is amended by deleting "* * * to 8 miles NW of the VOR; * * *" and substituting therefor "* * * to 8 miles NW of the VOR; within 2 miles each side of the 346° bearing from the Augusta RBN, extending from the Daniel Field 5-mile radius zone to 8 miles N of the RBN; * * *"

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

Issued in East Point, Ga., on February 19, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2025; Filed, Feb. 26, 1965; 8:45 a.m.]

[Airspace Docket No. 63-CE-80]

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

Designation of Transition Areas and Control Zones and Revocation of a Control Area Extension

On December 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 17045) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Muncie, Ind.; Marion, Ind.; and Anderson, Ind., terminal areas.

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

In consideration of the foregoing, Part 71 (NEW) of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 17557) is amended as follows: The Muncie, Ind., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the Muncie, Ind., control zone is amended to read:

MUNCIE, IND.

Within a 5-mile radius of the Delaware County Airport, Muncie, Ind. (latitude 40°14'25" N., longitude 85°23'35" W.) from 0700 to 2300 hours local time, daily.

3. In § 71.171 (29 F.R. 17581) the following is added:

MARION, IND.

Within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042° and 211° radials extending from the 5-mile radius zone to 8 miles NE and SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continually in the Airman's Information Manual.

4. In § 71.181 (29 F.R. 17643) the following is added:

ANDERSON, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion VOR 042° and 211° radials ex- Ind. (latitude 40°06'30" N., longitude 85°-36'55" W.), and within 2 miles each side of the 298° bearing from Anderson Municipal Airport extending from the 5-mile radius to 13 miles NW of the airport.

MARION, IND.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Marion Municipal Airport, Marion, Ind. (latitude 40°29'25" N., longitude 85°40'40" W.), and within 8 miles S and 5 miles N of the Marion VOR 042° radial extending from the 12-mile radius area to 14 miles NE of the airport.

MUNCIE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delaware County Airport, Muncie, Ind., and within 2 miles each side of the 125° bearing from Delaware County Airport extending from the 5-mile radius area to 13 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded by the line beginning at latitude 40°40'00" N., longitude 85°30'00" W.; to latitude 40°30'00" N., longitude 85°22'00" W.; to latitude 40°30'00" N., longitude 84°49'00" W.; to latitude 40°10'00" N., longitude 85°00'00" W.; to latitude 40°10'00" N., longitude 85°05'45" W.; to latitude 40°00'00" N., longitude 84°58'00" W.; to latitude 40°00'00" N., longitude 86°-00'00" W.; to latitude 40°07'00" N., longitude 86°00'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to latitude 40°40'00" N., longitude 85°50'00" W.; to the point of beginning and within a 12-mile radius of Marion Municipal Airport.

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

Issued in Kansas City, Mo., on February 12, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-2024; Filed, Feb. 26, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-78]

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

Designation of Transition Area

On December 19, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 18097) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Auburn, Ind., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the following is added:

AUBURN, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Auburn Airport (latitude 41°19'-00" N., longitude 85°04'00" W.) and within 2 miles each side of the Fort Wayne, Ind., VORTAC 015° radial extending from the 5-mile radius area to 7 miles S of the Auburn Airport.

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

Issued in Kansas City, Mo., on February 12, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-2023; Filed, Feb. 26, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Pesticide Chemicals Considered Safe

Citric acid, sodium benzoate in an amount up to 0.1 percent, and sodium propionate are generally recognized as safe as food additives (§ 121.101(d)). Similarly recognized are oil of lemon and oil of orange (§ 121.101(e)). Fumaric acid may be safely used in food in accordance with prescribed conditions (§ 121.1130).

The Commissioner of Food and Drugs has received an inquiry regarding the status of these chemicals when used postharvest as fungicides on hay. The U.S. Department of Agriculture reports that these chemicals are useful for the control of mold or mildew on hay. It is concluded that Part 120 should be amended to clarify the status of these chemicals for the specified use. Therefore, under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 408, 68 Stat. 511, as amended; 21 U.S.C. 346a) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 120.2(a) is amended to read as follows:

§ 120.2 Pesticide chemicals considered safe.

(a) As a general rule, pesticide chemicals other than benzaldehyde (when used as a bee repellant in the harvesting of honey), ferrous sulfate, lime, lime-sulfur, potassium polysulfide, sodium carbonate, sodium chloride, sodium polysulfide, and sulfur, and, when used postharvest as a fungicide on hay, citric acid, fumaric acid, oil of lemon, oil of orange, sodium benzoate, and sodium propionate are not for the purposes of section 408(a) of the act generally recognized as safe for use.

* * * * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is interpretative in nature.

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

(Sec. 408, 68 Stat. 511, as amended; 21 U.S.C. 346a)

Dated: February 23, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-2064; Filed, Feb. 26, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

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

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

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

Sodium Cloxacillin Monohydrate

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for penicillin and penicillin-containing drugs (21 CFR Parts 141a, 145, 146a) are amended as hereinafter set forth to provide for tests and methods of assay and certification of sodium cloxacillin monohydrate.

1. Part 141a is amended by adding thereto the following new sections:

§ 141a.118 Sodium cloxacillin monohydrate.

(a) *Potency.* Use either of the following methods; however, the results obtained from the method described in subparagraph (1) of this paragraph shall be conclusive.

(1) *Bioassay.* Dissolve a suitable quantity of the sample in sufficient 0.1*M* potassium phosphate buffer, pH 6.0, to make a convenient stock solution. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 6.0, to the reference concentration of 5 micrograms of cloxacillin per milliliter (estimated). Proceed as directed in § 141a.1, except prepare the standard curve as follows: Accurately weigh a suitable quantity of the cloxacillin working standard and dissolve in sufficient 0.1*M* potassium phosphate buffer, pH 6.0, to make a stock solution containing 1 milligram of cloxacillin per milliliter. The stock solution may be used for no longer than 1 week when stored at refrigeration temperature. Further dilute the stock solution with 0.1*M* potassium phosphate buffer, pH 6.0, to the standard curve concentrations of 3.2, 4.0, 5.0, 6.25, and 7.81 micrograms of cloxacillin per milliliter.

(2) *Chemical assay.* In lieu of the bioassay method described in subparagraph (1) of this paragraph, the sample may be assayed for potency by the io-

dometric assay described in § 141a.5(d) using an aqueous solution containing 1.0 milligram of cloxacillin per milliliter and the cloxacillin working standard as the standard of comparison.

(b) *Toxicity.* Proceed as directed in § 141a.4, except administer a test dose of 0.5 milliliter containing 16 milligrams of cloxacillin per milliliter in sterile distilled water.

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

(d) *pH.* Using a solution of 500 milligrams in 50 milliliters of carbon dioxide-free distilled water, proceed as directed in § 141a.5(b).

(e) *Crystallinity.* Mount a few particles of the sample in mineral oil and examine by means of a polarizing microscope. The particles reveal the phenomena of birefringence and extinction positions on revolving the microscope stage.

(f) *Sodium cloxacillin content.* Accurately weigh approximately 100 milligrams of the sample and dissolve in sufficient 5*N* sodium hydroxide to give a total volume of 25 milliliters. Place in a boiling water bath for 30 minutes. Cool, acidify 1 milliliter with 1 milliliter of dilute sulfuric acid (1 in 2), add 8 milliliters of water, and extract with two 25-milliliter portions of ethyl ether. Combine the ether extractives and extract with two 25-milliliter portions of 0.1*N* sodium hydroxide. Combine the alkaline extractives and dilute to 100 milliliters with carbon dioxide-free water. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at the absorption peaks at 257 $\mu \pm 3\ \mu$ and at 282 $\mu \pm 3\ \mu$ compared with a reagent blank. Determine the percent sodium cloxacillin in the sample by means of the following calculation:

$$\text{Percent sodium cloxacillin} = \frac{(A_1)\ \text{mg. of standard, on an as is basis} \times \text{percent sodium cloxacillin in the standard}}{(A_2) \times (\text{mg. of sample, on an as is basis})} \times 100$$

where:

A_1—Difference in absorbance for the sample between 257 mμ and 282 mμ.

A_2—Difference in absorbance for the cloxacillin working standard similarly treated.

(g) *Identity.* Using a suitable infrared spectrophotometer, scan the infrared absorption spectrum from 2μ to 16μ of a 0.5 percent mixture in a potassium bromide pellet.

§ 141a.119 Sodium cloxacillin monohydrate capsules.

(a) *Potency.* Blend a representative number of capsules in a high-speed glass blender (usually 5 to 12) with 500 milliliters of 1 percent potassium phosphate buffer, pH 6.0. Proceed as described in § 141a.118(a). The potency of sodium cloxacillin monohydrate capsules is satisfactory if they contain not less than 90 percent and not more than 120 percent of the cloxacillin that they are represented to contain.

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

§ 141a.120 Sodium cloxacillin monohydrate for oral solution.

(a) *Potency.* Reconstitute the sample as directed in the labeling, and by means of a needle and syringe transfer a single-dose aliquot to a 200-milliliter volumetric flask. Dilute to volume with 1 percent potassium phosphate buffer, pH 6.0. Proceed as directed in § 141a.118 (a). The potency of sodium cloxacillin monohydrate for oral solution is satisfactory if it contains not less than 90 percent and not more than 120 percent of the cloxacillin that it is represented to contain.

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

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

2. Section 145.3 (a)(1) and (b)(1) is amended by adding the following new subdivisions thereto:

§ 145.3 Definitions of master and working standards.

(a) *Master standards.* (1) * * *

(x) The term "cloxacillin master standard" means a specific lot of cloxacillin that is designated as the standard of comparison in determining the potency of the cloxacillin working standard.

* * * * *

(b) * * *

(1) * * *

(ix) The term "cloxacillin working standard" means a specific lot of a homogeneous preparation of cloxacillin.

* * * * *

3. Section 145.4(b) is amended by adding thereto the following new subparagraph:

§ 145.4 Definition of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(36) The term "microgram" applied to cloxacillin means the cloxacillin activity (potency) contained in 1.135 micrograms of the cloxacillin master standard.

4. Part 146a is amended by adding thereto the following new sections:

§ 146a.114 Sodium cloxacillin monohydrate.

(a) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin monohydrate is the crystalline monohydrated sodium salt of 5-methyl-3-(*o*-chlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(1) Its potency is not less than 825 micrograms of cloxacillin per milligram.

(2) It passes the toxicity test.

(3) Its moisture content is not less than 3 percent nor more than 5 percent.

(4) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.

(5) Its sodium cloxacillin content is not less than 90.0 percent.

(6) It exhibits absorption maxima at the wavelengths of 2.84, 2.98, 5.68, 6.02, 6.25, 7.11, 7.52, 9.52, 13.2, and 13.3μ.

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

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of micrograms of cloxacillin per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months, 24 months, or 30 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(4) The statement "For manufacturing use."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

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

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

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

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

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

suance of a certificate, the cost of such investigations.

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

§ 146a.115 Sodium cloxacillin monohydrate capsules.

(a) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin monohydrate capsules are composed of sodium cloxacillin monohydrate and one or more suitable diluents and lubricants. Each capsule contains sodium cloxacillin monohydrate equivalent to 250 milligrams of cloxacillin or 500 milligrams of cloxacillin. The moisture content is not more than 5 percent. The sodium cloxacillin monohydrate conforms to the requirements of § 146a.114(a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each sodium cloxacillin monohydrate capsule is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may contain a desiccant separated from the capsules by a plug of cotton or other like material. The composition of the immediate container or of the foil or film enclosure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act) each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of sodium cloxacillin monohydrate capsules shall submit with his request a statement showing the batch mark, the number of capsules in such batch, the number of capsules of the batch packaged into dispensing-sized containers during each day's packaging operations, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the sodium cloxacillin monohydrate used in making such batch was completed, the number of milligrams of cloxacillin in each capsule, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

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

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and unless the capsules are packaged into dispensing-sized containers immediately after they are capsulated, average moisture of capsules collected during each day of packaging of the batch.

(*b*) If the person who requests certification is not the manufacturer of the batch: Average potency and average moisture of capsules collected during each day the capsules are being packaged into dispensing-sized containers.

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

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

(i) The batch:

(*a*) If the person who requests certification is the manufacturer of the batch: One capsule for each 5,000 capsules in the batch, but in no case less than 30 capsules, collected by taking single capsules at such intervals throughout the entire time of capsulating the batch that the quantities capsulated during the intervals are approximately equal;

(*b*) If, after capsulating, such person packages the batch into dispensing-sized containers: 20 capsules, collected at equal intervals during each day the capsules are being packaged, except that this sample is not required if the capsules are packaged immediately after capsulation; or

(*c*) If the person who requests certification is not the manufacturer of the batch (for the purposes of certification, a batch shall be that number of capsules filled by such persons into dispensing-sized containers during each day's packaging operation): 1 capsule for each 5,000 capsules, but in no case less than 30 capsules collected by taking single capsules at such intervals throughout each day of packaging the capsules that the quantities packaged during the intervals are approximately equal.

(ii) The sodium cloxacillin used in making the batch: 10 packages, each containing not less than 300 milligrams, packaged in accordance with the requirements of § 146a.114(b).

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

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

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

(1) $0.75 for each capsule in the samples submitted in accordance with paragraph (d)(3)(i)(*a*) and (*c*) of this section; $3.00 for the sample submitted in accordance with paragraph (d)(3)(i)(*b*) of this section; $5.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(iii) of this section.

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

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.116 Sodium cloxacillin monohydrate for oral solution.

(a) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin monohydrate for oral solution is a mixture of sodium cloxacillin monohydrate with one or more suitable colorings, flavorings, buffer substances, and preservatives. When reconstituted as directed in the labeling, it contains the equivalent of 25 milligrams of cloxacillin or 50 milligrams of cloxacillin per milliliter. Its moisture content is not more than 1 percent. The pH of the solution, when reconstituted as directed in its labeling, is not less than 5.0 nor more than 7.5. The sodium cloxacillin monohydrate used conforms to the requirements of § 146a.114(a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

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

(c) *Labeling.* In addition to the labeling requirements prescribed by § 1.106(b) of this chapter (regulations issued under section 502(f) of the act) each package shall bear on the outside wrapper or container and the immediate container the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a

batch of sodium cloxacillin monohydrate for oral solution shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed, the number of milligrams of cloxacillin in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

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

(i) The batch: Average potency per milliliter of the reconstituted solution, moisture, and pH.

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

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

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

(ii) The sodium cloxacillin monohydrate used in making the batch: 10 packages containing not less than 300 milligrams packaged in accordance with the requirements of § 146a.114(b).

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

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

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

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

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

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8 of this chapter.

This order provides for tests and methods of assay and certification of three antibiotic products which have been found to be safe and efficacious for use, conditions pertinent to their certification. Since the basic requirements of section 507 of the Federal Food, Drug, and Cosmetic Act have been complied with and since the interests of the public health will be served by making these new antibiotic drugs available for use, the requirements for notice and public procedure are not deemed necessary in this instance.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

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

Dated: February 19, 1965.

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

[F.R. Doc. 65-2085; Filed, Feb. 26, 1965; 8:48 a.m.]

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

Benzathine Penicillin G and Procaine Penicillin for Aqueous Injection; Change in Expiration Date

Pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the regulation for the certification of benzathine penicillin G and procaine penicillin for aqueous injection is amended to provide for an expiration date of 48 months or 60 months, under certain specified conditions, for the drug in powder form. The amendment is effected by changing § 146a.86(c) to read as follows:

§ 146a.86 Benzathine penicillin G and procaine penicillin for aqueous injection.

* * * * *

(c) In lieu of the directions for labeling prescribed by § 146a.77(c)(1)(i)(*a*), each package shall bear on the outside wrapper or container and the immediate container the statement, "Expiration date _____," the blank being filled in, if it is the aqueous suspension of the drug, with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months if the person requesting certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for it, or if it is the dry mixture of the drug, with the date that is 36 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 48 months or 60 months if the person requesting certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed for it.

* * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to a specific product until its manufacturer has supplied adequate data regarding that article.

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

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

Dated: February 23, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-2086; Filed, Feb. 26, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 729]

PEANUTS

Proposed Determinations To Be Made Regarding Supply of Valencia Type Peanuts for 1965–66 Marketing Year

Pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)), the Secretary of Agriculture is preparing to determine whether the supply of Valencia type peanuts for the 1965–66 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358(c) of the Act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding 5 years, adjusted for trends in yields and abnormal conditions of production affecting yields in such 5 years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the 3 years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1965–66 marketing year will be insufficient under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250. To be considered, any such submissions must be postmarked not later than 15 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 24, 1965.

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

[F.R. Doc. 65-2078; Filed, Feb. 26, 1965; 8:47 a.m.]

Consumer and Marketing Service

[7 CFR Part 993]

[Docket No. AO 201-A5]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Kendrick Hall, University of San Francisco, Corner of Shrader and Fulton Streets, San Francisco, Calif., beginning at 10 a.m., P.s.t., March 15, 1965, with respect to proposed further amendment of the marketing agreement and Order No. 993 (7 CFR Part 993), regulating the handling of dried prunes produced in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

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

The Prune Administrative Committee, the administrative agency established pursuant to the marketing agreement and order, proposed the following amendment and requested a hearing thereon:

Definitions. 1. Consider any need to revise § 993.13 *Handler* in view of the proposed addition of volume regulatory provisions to the order.

2. Add a new § 993.21a as follows:

§ 993.21a Proper storage.

"Proper storage" means storage of such character as will maintain prunes in the same condition as when received by a handler, except for normal and natural deterioration and shrinkage.

3. Add a new § 993.21b as follows:

§ 993.21b Trade demand.

(a) *Domestic trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in domestic markets for human consumption as prunes and prune products.

(b) *Foreign trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in other than domestic markets for human consumption as prunes and prune products.

4. Add a new § 993.21c as follows:

§ 993.21c Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if no salable percentage is established for a crop year, all prunes received by handlers during that year.

5. Add a new § 993.21d as follows:

§ 993.21d Reserve prunes.

"Reserve prunes" means those prunes which must be withheld in satisfaction of a reserve obligation arising from application of a reserve percentage established by the Secretary pursuant to § 993.54.

Prune Administrative Committee. 6. Revise the first sentence of § 993.33 to read as follows: "Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, or permitting producer diversion pursuant to § 993.62 shall require at least 14 affirmative votes."

7. Revise § 993.34 as follows:

§ 993.34 Expenses.

The members of the committee, and alternates when acting as members, or when alternates' expenses are authorized by the committee, shall serve without compensation, but shall be allowed their expenses.

8. Revise § 993.36(h) as follows:

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee, exclusive of reserve prune operations, and to make such statements, together with the minutes of the meetings of said committee, available for inspection at the offices of the committee by producers, dehydrators, and handlers;

9. In § 993.36 reletter present paragraphs (i), (j), (k), (l), and (m) as (j), (k), (l), (m), and (n), respectively, and insert a new paragraph (i) as follows:

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at

such other times as the committee may deem appropriate or the Secretary may request, a statement of the financial operations of the committee with respect to reserve prunes for such crop year and to make such statement available at the offices of the committee for inspection by producers, dehydrators, and handlers;

Marketing policy. 10. Revise § 993.41 as follows:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of each July, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. If it becomes advisable to modify such policy, because of changed demand, supply, or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

(b) In formulating its marketing policy for the ensuing crop year, the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The carryover of salable prunes as of August 1;

(2) The carryover of reserve prunes as of August 1;

(3) The composition of the salable and reserve carryovers;

(4) The quantity of prune plums, dried weight basis, likely to be diverted when authorized pursuant to § 993.62;

(5) The quantity of prunes to be produced;

(6) The probable quality and prune sizes in the crop;

(7) The domestic trade demand including its components by uses of prunes;

(8) The foreign trade demand by countries or groups of countries;

(9) The desirable carryover of salable prunes at the end of the ensuing crop year;

(10) The quantity of reserve prunes to be released as salable so as to protect against errors of estimation and permit orderly marketing of the supply;

(11) The recommended salable and reserve percentages;

(12) A recommendation as to whether reserve prunes shall be controlled by a producer pool wherein the reserve percentage is applied to each lot received by handlers, the committee sells the reserve prunes and collects the proceeds, and the committee distributes the proceeds to equity holders, or a handler pool wherein the reserve percentage is applied to total receipts of each handler, the handler is permitted to dispose of reserve prunes pursuant to an agency arrangement with the committee and the handler distributes the proceeds to those beneficially interested; if a producer pool is recommended, it shall be accompanied by recommended administrative rules and procedures for operating such pool;

(13) Any recommended change in regulations pursuant to §§ 993.49 to 993.53, inclusive;

(14) The probable assessable tonnage for the purposes of § 993.81; and

(15) The current prices for prunes, the trend and level of consumer income, whether producer prices are likely to exceed parity, and such other factors as may have a bearing on the marketing of prunes or the administration of this part.

Grade and size regulations. 11. Revise § 993.50(d) as follows:

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of standard prunes or standard processed prunes of French prunes unless the average count of such prunes is 100 or less per pound. However, under safeguards to be established by the committee, such prunes of smaller sizes may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. In determining whether such lot of prunes conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. This tolerance as to the permitted deviation of sizes about the average count for each size range and type of pack may be modified by the Secretary, upon recommendation of the committee.

Reserve control. 12. Add new sections on reserve control as follows:

§ 993.54 Establishment of salable and reserve percentages.

Whenever the Secretary finds, from the recommendations and supporting information supplied by the committee, or from any other available information, that to establish the percentages of prunes for any crop year which shall be salable prunes and reserve prunes, respectively, or to modify the previously established percentages, would tend to effectuate the declared policy of the act, he shall establish or modify such percentages. At the time of establishment he shall specify whether reserve prunes shall be controlled by a producer or handler pool. The salable and reserve percentages shall each apply to the natural condition weight of prunes received during the crop year by a handler from producers and dehydrators, including that diverted tonnage on diversion certificates issued pursuant to § 993.62 and credited to, or held by, him. The total of the salable and reserve percentages shall equal 100 percent.

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall also apply to all prunes received by handlers in the subsequent crop year and before salable and reserve percentages are established for that crop year. After such percentages are established for the subsequent crop year, all reserve obligations theretofore accrued during such year on the basis of the previously effective percentages shall be adjusted to the newly established percentages.

§ 993.56 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, each handler shall withhold from handling a quantity of natural condition prunes equal to the reserve percentage applied to the prunes such handler receives during the crop year from producers and dehydrators including that diverted tonnage on diversion certificates issued pursuant to § 993.62 and credited to, or held by, him. The quantity of prunes hereby required to be withheld shall be the "reserve obligation" of a handler. The prunes permitted to be handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

§ 993.57 Holding and delivery.

Each handler shall, at all times, hold, in his possession or under his control, in proper storage for the account of the committee, free and clear of all liens, the quantity of prunes necessary to meet his reserve obligation, less any quantity: (a) Disposed of by him in non-human consumption outlets whether or not pursuant to § 993.49(c) and credited by the committee against his requirement to hold reserve prunes; (b) for which he has a temporary deferment pursuant to § 993.58(a); (c) represented by transfers to him of reserve credits; (d) diverted pursuant to § 993.62 and credited by the committee against his requirement to hold reserve prunes; (e) disposed of by him as authorized agent or under a sales contract or release of the committee; (f) delivered by him to the committee, or to a person designated by it, pursuant to its instructions; and (g) for which he is otherwise relieved by the committee of such responsibility to so hold prunes. No handler may transfer a reserve obligation but any handler may, upon notification to the committee, arrange to hold reserve prunes, on the premises of another handler or in approved commercial storage, under conditions of proper storage. The committee may, after giving reasonable notice, require a handler to deliver to it, or to a person designated by it, f.o.b. handler's warehouse or point of storage, reserve prunes held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

§ 993.58 Deferment of time for withholding.

(a) Compliance by any handler with the requirement of § 993.56 for withholding reserve may be temporarily deferred to any date desired by the handler, but not later than November 15 of the crop year, upon the voluntary execution and delivery by such handler to the committee of a written undertaking that on or

prior to the desired date he will have fully satisfied his withholding requirement. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee in the amount or amounts specified, conditioned upon full compliance with such undertaking.

(b) (1) Such bond shall be provided at the handler's expense, with a surety or sureties acceptable to the committee, and shall be in an amount computed by multiplying the pounds of natural condition prunes for which deferment is desired by the bonding rate. Such bonding rate shall be established by the committee at a level sufficient to achieve the objectives of this part.

(2) In case a handler defaults in meeting his deferred reserve obligation, any funds collected by the committee from the bonding company through such default shall be used by the committee to purchase from handlers a quantity of natural condition prunes, up to but not exceeding the quantity on which the default occurred. Purchases shall be made from prunes with respect to which the reserve obligation has been met, and shall be of grades, varieties, or sizes and in such containers as the committee specifies in consideration of available reserve prune outlets. Purchases shall be at prices determined to be appropriate by the committee and if more prunes are offered than required by the committee, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The committee shall dispose of the prunes acquired as soon as practicable in the most favorable reserve prune outlets and shall deposit the proceeds from such sales, less committee expenses in connection with such transaction, with reserve pool funds for distribution to equity holders if reserve prunes are being controlled by a producer pool or shall pay any remaining net proceeds to the defaulting handler if reserve prunes are being controlled by a handler pool.

(3) If for any reason the committee is unable to purchase a quantity of prunes as large as the quantity of reserve prunes in default by the handler, any remaining balance of funds received because of the default less expenses of the committee, shall be deposited with reserve pool funds if a producer pool is operative or shall be remitted, if a handler pool is in effect, to all handlers, other than the defaulting handler in proportion to the ratio of each such handler's reserve obligation to the total reserve obligation of all such other handlers for the crop year.

(c) A handler who has defaulted on his bond shall be credited on his reserve obligation with that quantity of prunes represented by the sums collected.

§ 993.59 Payment to handlers for services.

The committee shall pay handlers when a producer pool is operative for necessary services rendered by them in connection with reserve prunes including, but not limited to, inspection, receiving, storing, grading, and fumigation, in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee.

Producer diversion. 13. Add a new § 993.62 as follows:

§ 993.62 Diversion privileges.

(a) The word "prunes" as used in this section includes plums of a variety used in the production of prunes exclusive of such plums damaged by rain.

(b) No producer shall be required to divert all or any portion of the prunes produced by him.

(c) If, on the basis of a committee recommendation for diversion operations, the availability of governing rules and procedures established by the Secretary after recommendation of the committee, and other information, the Secretary concurs that such should be permitted, he shall authorize diversion operations.

(d) After diversion operations are authorized, and subject to the applicable rules and procedures, any producer may divert prunes of his own production for eligible purposes and receive from the committee a diversion certificate therefor. To the extent permitted by the rules and procedures, the producer may submit the certificate to any handler in lieu of reserve and the certificate shall entitle the handler to satisfy his reserve obligation.

(e) Within such restrictions as may be prescribed by rules and procedures, eligible diversions may include: (1) Disposal of dried prunes for non-human uses; (2) disposal of fresh prunes in outlets other than drying; (3) leaving prunes unharvested; and (4) disposal of prunes for such other uses as may be authorized.

Disposition of reserve prunes. 14. Add a new § 993.65 as follows:

§ 993.65 Disposition of reserve prunes.

(a) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all reserve prunes (1) to meet any deficiency either in (i) domestic trade demand, or (ii) foreign trade demand, or (2) for use in any outlet, defined in rules and procedures established by the Secretary after recommendation of the committee, noncompetitive with normal outlets for salable prunes.

(b) *Handler pool—(1) Disposition by handlers as agents.* When reserve prunes are being controlled by a handler pool and upon the request of a handler made prior to such time as the committee may specify, the committee shall authorize such handler to act as agent of the committee, upon such reasonable terms and conditions as the committee may specify in disposing of reserve prunes held or acquired by him. The committee may, for any of the purposes of paragraph (a) of this section, release to its handler agents, from time to time, a quantity of reserve prunes for disposition or sale by them. No such release shall be made by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms and conditions of the release, including the basis for determining the handler agents' shares of the release: *Provided,* That at any time prior to the expiration of the 5-day period the release may be made to such agents upon the committee receiving from the Secretary notice that he does not disapprove the making of the release. The committee may terminate the agency if the handler violates the terms and conditions specified by the committee or other provisions of this part. Any handler who is authorized to dispose of reserve prunes may, through arrangement with another agent handler, dispose of such reserve prunes through such other handler. Any handler may acquire those credits for reserve prune disposition from another handler which are in excess of said handler's reserve obligation. It shall be the obligation of any handler to dispose of reserve prunes in accordance with all applicable requirements and conditions. The proceeds of such disposition shall be retained by the handler making the disposition, except that, in case he disposes of the reserve prunes of another handler, the proceeds from that disposition shall be divided between the two handlers on the basis of mutual agreement.

(2) *Disposition by the committee.* When reserve prunes are being controlled by a handler pool, such prunes, other than those disposed of by handlers as agents of the committee as authorized in subparagraph (1) of this paragraph, those freed by diversion pursuant to § 993.62, and those not needed for stabilization (reserve carryover) purposes, may be sold or disposed of by the committee for any of the purposes specified in paragraph (a) of this section. No offer to sell reserve prunes shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms and conditions of the proposed offer, including the basis for withdrawal from handlers of the reserve prunes to be offered for sale: *Provided,* That at any time prior to the expiration of the 5-day period the offer may be made upon the committee receiving from the Secretary notice that he does not disapprove of the making of the offer. More than one pool may be established by the committee. Direct expenses incurred by the committee in connection with each respective pool shall be charged against the proceeds of sales of prunes in that pool. Net proceeds from the sale of reserve prunes in each respective pool shall be distributed by the committee to each handler having an interest in that pool in proportion to his relative contribution thereto.

(c) *Producer pool.* (1) *Disposition through handlers.* When reserve prunes are being controlled by a producer pool, the committee may, for any of the purposes of paragraph (a) of this section, offer to sell reserve prunes to handlers for disposition or sale by them in specified outlets. Sale of reserve prunes by the committee to any handler for resale in export outlets or for resale to exporters for sale in such outlets shall be governed by the provisions of a sales agree-

ment, executed by the handler with the committee. The committee may refuse to sell reserve prunes to any handler for export if the handler violates the terms and conditions of the agreement or other provisions of this part.

(2) *Disposition by the committee.* When reserve prunes are being controlled by a producer pool, such prunes, other than disposed of through handlers as authorized in subparagraph (1) of this paragraph, those freed by diversion pursuant to § 993.62, and those not needed for stabilization (reserve carryover) purposes, may be disposed of by the committee directly in any non-competitive outlet defined pursuant to paragraph (a) (2) of this section.

(3) *Offering reserve prunes.* No offer to sell reserve prunes, either to handlers or other persons, shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms and conditions of the proposed offer, including the basis for determining the handlers' shares of the offer: *Provided,* That at any time prior to the expiration of the five-day period the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer.

(4) *Distribution of proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of reserve prunes shall be charged against the proceeds of sales of such prunes. Net proceeds from the disposition of reserve prunes shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to their successors in interest, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner as sufficient funds accumulate. Distribution of the proceeds in connection with the reserve prunes contributed by a nonprofit cooperative agricultural marketing association which has authority to market prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests.

Expenses and assessments. 15. Consider any need to revise the provisions of §§ 993.80 and 993.81 in view of the proposal to include volume regulation in this part.

General. 16. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendments which may result from the hearing.

Copies of this notice may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 630 Sansome Street, Room 836, San Francisco, Calif., 94111, or from the Prune Administrative Committee, Room 334, World Trade Center, San Francisco, Calif., 94111.

Dated: February 24, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-2081; Filed, Feb. 26, 1965; 8:48 a.m.]

[7 CFR Parts 1061, 1064]

[Docket Nos. AO 327-A6-7, AO 23-A27]

MILK IN ST. JOSEPH, MO., AND GREATER KANSAS CITY MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and Orders

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 that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City marketing areas, which was issued February 17, 1965 (30 F.R. 2317), is hereby extended to March 10, 1965.

Signed at Washington, D.C., on February 24, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-2082; Filed, Feb. 26, 1965; 8:48 a.m.]

[7 CFR Part 1127]

MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice was issued by the Acting Deputy Administrator, Regulatory Programs, Agricultural Marketing Service, on January 29, 1965, that the suspension of a certain provisions of the order regulating the handling of milk in the San Antonio, Tex., marketing area was being considered.

The provision proposed to be suspended is the portion of the proviso in § 1127.11 which reads: "That if the days of production of such person for which milk is diverted exceed one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversion." The suspension was proposed for the period March 1, 1965, through July 31, 1965. Interested persons were invited to submit to the Department not later than February 13, 1965, written data, views, or arguments in connection with the proposed suspension.

The views, data and arguments submitted do not provide a basis for determining with sufficient certainty the factual situation concerning marketing conditions which bear on the question of diversion privileges. Hence, they do not provide a sufficient factual basis upon which to base a determination that the present provisions do not tend to effectuate the declared purposes of the Act.

It is thereby found and determined that the proposed suspension of the aforesaid provision of the order relating to the limitation on diversions of producer milk should not be effectuated. The proceeding begun in this matter on January 29, 1965, is thereby terminated.

Signed at Washington, D.C., on February 24, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-2083; Filed, Feb. 26, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 5, 10]

ANTICAKING AGENTS AND CERTAIN OTHER INCIDENTAL ADDITIVES IN SALT

Proposal To Exempt Declaration of Presence in Fabricated Foods

The Salt Institute, 33 North LaSalle Street, Chicago 2, Ill., a trade association, which states that it represents manufacturers of 90 percent of the dry salt produced in the United States, has submitted a petition proposing the issuance of regulations to provide for exemption from labeling declaration in fabricated foods of negligible and insignificant amounts of certain substances that have been added to salt to prevent caking or for otherwise improving its physical properties and present in the fabricated food through the use of such salt in their fabrication.

The exemption sought would be applicable to proprietary foods subject to the requirements of section 403(i) of the Federal Food, Drug, and Cosmetic Act and to standardized foods subject to the requirements of sections 401 and 403(g) of the act.

Briefly summarized, the petition points out in the case of proprietary foods subject to the provisions of section 403(i) the hardships the fabricated food industry is encountering in purchasing salt containing a specified additive of the various additives that are permitted; difficulty of food manufacturers in changing labeling each time a salt containing a different incidental additive is purchased and used; deception of the consumer arising out of the addition of permitted ingredients to salt and which ingredients serve only to enhance the physical properties of the salt and are incidental and do not affect the proper-

ties of the finished foods to which such salt is added and consequently the labeling of their presence is misleading; and other reasons, including data showing that the anticaking agents so added will be present in the finished foods only from 0.000026 percent to 0.04 percent of the weight of the food.

The petition further points out in the case of foods subject to sections 401 and 403(g) of the act an inconsistency in the current situation it believes exists inasmuch as there are no food standards that recognize the current commercial practice of using anticaking agents in salt that is used in the production of standardized foods. The petitioner believes it would be impracticable to amend all definitions and standards of identity providing for the use of salt to recognize the presence of insignificant and nonfunctional levels of such anticaking agents in the finished standardized foods; further, that to require labeling would result in deception of consumers and in unfair competition, for the reasons advanced for exempting proprietary foods from the declaration of such incidental additives.

The petitioner proposed that exempting regulations be issued pursuant to the proviso of section 403(i) of the act in the case of proprietary foods and under Part 10 of this title in the case of foods subject to regulations establishing definitions and standards of identity.

The proposal of the petitioner is as follows:

1. "It is proposed that a regulation be issued pursuant to the proviso of section 403(i) of the Federal Food, Drug, and Cosmetic Act establishing exemption from compliance with clause (2) of said section insofar as it applies to substances which are added to prevent caking or to improve otherwise the physical properties of the salt and which in and of themselves will have no effect on the food products in which the salt is used and are not food additives as defined in section 201(s) of the act, or if they are food additives as so defined, are used in conformity with regulations established pursuant to section 409 of the act."

2. It is proposed that § 10.3(a) (21 CFR 10.3(a)) be amended to read as follows:

§ 10.3 Conformity to definitions and standards of identity.

* * * * *

(a) If it contains an ingredient for which no provision is made in such definition and standard, unless such ingredient is an incidental additive introduced at a nonfunctional and insignificant level through another ingredient authorized by the terms of the applicable standard and such incidental additive in comparable nonstandardized foods has been exempted as provided in Part 5 of this chapter.

The petition in its entirety as presented by The Salt Institute is on file for public review at the Hearing Clerk's office of the Department.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 403(i), 701(a), 52 Stat. 1046, 1048, 1055; 21 U.S.C. 341, 343(i), 371(a)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), all interested persons are hereby invited to submit written comments regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: February 19, 1965.

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

[F.R. Doc. 65-2087; Filed, Feb. 26, 1965; 8:48 a.m.]

[21 CFR Part 120]

PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Licorice Root; Notice of Proposal To Exempt From Requirement of Tolerance

The Commissioner of Food and Drugs has received a request to exempt licorice root from the requirement of a tolerance when used in accordance with good agricultural practice as an inert ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Licorice is generally recognized as safe as a food additive in § 121.101(e).

Accordingly, the Commissioner, on his own initiative, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)) and delegated to him by the Secretary (21 CFR 2.90), proposes that § 120.1001 be amended by inserting alphabetically in the table in paragraph (c) a new item, as follows:

§ 120.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Licorice root		
* * *	* * *	* * *

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the ingredient listed in this document may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments on the proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: February 23, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-2088; Filed, Feb. 26, 1965; 8:48 a.m.]

[21 CFR Part 121]

TECHNICAL WHITE MINERAL OIL

Uniformity of Nomenclature

Subsequent to the issuance of § 121.2589 *Mineral oil*, which defined the specifications of technical white mineral oil, comment was received proposing that § 121.246, which prescribes the use of technical white mineral oil in animal feed, be amended to reflect a desired uniformity with § 121.2589 in the definition of technical white mineral oil. Additionally, it was suggested that § 121.246 expressly provide for the use of the more refined white mineral oil as well as the technical white mineral oil. The Commissioner of Food and Drugs considers that the comment has merit. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1786; 21 U.S.C. 348(d)) and under the authority delegated to the Commisisoner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner proposes to amend § 121.246 as follows:

1. It is proposed to amend the heading of § 121.246 and the introduction to the section;

2. It is proposed to amend paragraph (a);

3. It is proposed to amend paragraph (c) of the section by deleting the words "technical white,".

The heading, introductory text, and paragraphs (a) and (c) of § 121.246, as amended, read as follows:

§ 121.246 Mineral oil.

Mineral oil may be safely used in animal feed, subject to the provisions of this section.

(a) Mineral oil, for the purpose of this section, is that complying with the definition and specifications contained in § 121.1146 (a) and (b) or in § 121.2589 (b)(1) (i) and (ii).

(c) The quantity of mineral oil used in animal feed shall not exceed 3.0 percent in mineral supplements, nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal.

Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 23, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-2092; Filed, Feb. 26, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-4]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Designation and Revocation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Goodland, Kans., terminal area.

The Goodland, Kans., control area extension is presently designated as that airspace within 5 miles either side of the Goodland VORTAC 022° radial extending from the VORTAC to 12 miles N and within 10 miles S and 7 miles N of the Goodland VORTAC 281° and 101° radials extending from 20 miles W to 9 miles E of the VORTAC.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Goodland, Kans., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

1. Revoke the Goodland, Kans., control area extension.

2. Designate the Goodland, Kans., control zone to comprise that airspace within a 5-mile radius of the Goodland, Kans., Municipal Airport (latitude 30°-21'45" N., longitude 101°42'00" W.), and within 2 miles each side of the Goodland VORTAC 352° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

3. Designate the Goodland, Kans., transition area to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Goodland, Kans., Municipal Airport (latitude 39°21'45" N., longitude 101°42'00" W.); and within 2 miles each side of the Goodland VORTAC 022° radial, extending from the 6-mile radius to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Goodland VORTAC 022° radial extending from the VORTAC to 13 miles N of the VORTAC, and within 5 miles E and 8 miles W of the Goodland VORTAC 352° radial, extending from 2 miles S of the VORTAC to 12 miles N of the VORTAC.

The proposed 5-mile radius control zone will provide protection for aircraft executing departures and missed approach procedures until reaching an altitude of 700 feet above the surface, and will also protect the final approach course of aircraft executing the AL-684-VOR-1 approach procedure when descending below an altitude of 1,000 feet above the surface. The proposed control zone extension will protect Central Airlines aircraft while executing the Special VOR approach procedures when descending below an altitude of 1,500 feet above the surface. The proposed transition area will protect the holding, transitioning, and final approach course of the AL-684-VOR-1 procedure.

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

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

Specific details of the changes to procedures which would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2027; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-9]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the International Falls, Minn., terminal area.

The International Falls, Minn., control zone is presently designated as that airspace within a 5-mile radius of Falls International Airport, International Falls, Minn. (latitude 48°33'58" N., longitude 93°24'07" W.) and within 2 miles either side of the International Falls VOR 133° radial extending from the 5-mile radius zone to 8 miles SE of the VOR excluding the portion outside the United States.

The International Falls, Minn., transition area is presently designated as that airspace within the United States extending upward from 1,200 feet above the surface within an 8-mile radius of Falls International Airport, International Falls, Minn.; and within 8 miles NE and 5 miles SW of the International Falls VOR 133° radial extending from the 8-mile radius area to 14 miles SE of the VOR; and within 8 miles SW of the International Falls VOR 317° radial extending from the 8-mile radius area to the United States/Canadian border.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the International Falls, Minn., terminal area, including studies attendant to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) proposes to take the following airspace actions:

(1) Redesignate the International Falls, Minn., control zone as that airspace within a 5-mile radius of Falls International Airport, International Falls, Minn. (latitude 48°33'58" N., longitude 93°24'07" W.); and within 2 miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the International Falls VOR 320° radial extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the 325° bearing from radio station CFOB extending from the 5-mile radius zone to 8 miles NW of the radio station excluding the portion outside of the United States.

(2) Redesignate the International Falls, Minn., transition area as that airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the International Falls VOR 129° and 309° radials extending from 4 miles NW to 14 miles SE of the VOR; and within 8 miles SW and 5 miles NE of the International Falls VOR 320° radial extending from the VOR to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 325° bearing from radio station CFOB extending from the radio station to 12 miles NW of the radio station excluding the portions outside of the United States.

Relocation of the VOR and a continuing requirement for the restricted approach procedure at International Falls, Minn., require the modifications of the controlled airspace designations.

The floors of the airway that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed control zone modification would realign the extensions to provide control zone protection for aircraft executing the revised approach procedures during their descent below 1,000 feet above the surface.

The proposed transition area modification would realign the extensions to conform to the controlled airspace requirements for the revised approach procedures and holding pattern. It would also revoke the 8-mile radius area which is no longer needed. The base of the transition area within the United States would be lowered to 700 feet above the surface to allow lowering of the procedure turn altitudes of the approach procedures which is required to permit approaches from the holding pattern.

Coordination with the Canadian Department of Transport is being conducted regarding the designation of a portion of the control zone and the designation of control area within Canada comparable to the actions proposed herein.

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

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2028; Filed, Feb. 26, 1965; 8:45 a.m.]

No. 39——5

[14 CFR Part 71]

[Airspace Docket No. 65-CE-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Brainerd, Minn., terminal area.

The following controlled airspace is presently designated in the Brainerd, Minn., area:

(1) The Brainerd control zone is designated as that airspace within a 5-mile radius of the Brainerd-Crow Wing County Municipal Airport (latitude 46°23'25" N., longitude 94°08'20" W.) and within 2 miles each side of the Brainerd VOR 297° radial, extending from the 5-mile radius zone to the VOR—see Airman's Guide for hours of designation.

(2) The Brainerd transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Crow Wing County Airport, Brainerd, Minn. (latitude 46°23'25" N., longitude 94°08'20" W.), and extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 117° and 297° radials, extending from 5 miles NW to 13 miles SE of the VOR.

The study relative to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations was completed in 1963. This study did not make any provision for controlled airspace to encompass special instrument approach procedures. The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Brainerd, Minnesota, terminal area, proposes the following airspace actions:

(1) Designate the Brainerd control zone to comprise that airspace within a 5-mile radius of the Brainerd-Crow Wing County Municipal Airport (latitude 46°23'25" N., longitude 94°08'20" W.); and within 2 miles each side of the Brainerd VOR 297° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of 313° bearing from the Brainerd-Crow Wing County Municipal Airport, extending from the 5-mile radius zone to 7 miles NW of the airport. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

(2) Designate the Brainerd transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'25" N., longitude 94°08'20" W.); and within 2 miles each side of the 195° bearing from the Brainerd-Crow Wing County Municipal Airport extending from the 7-mile radius area to 11 miles S of the airport; and within 5 miles NE and 8 miles SW of the 313° bearing from the Brainerd-Crow Wing County Municipal Airport extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 117° and 297° radials, extending from 5 miles NW to 13 miles SE of the VOR; within 8 miles E and 5 miles W of the 195° bearing from the Brainerd-Crow Wing County Municipal Airport extending from the airport to 15 miles S of the airport.

At the present time, three special approach procedures are prescribed for Brainerd, Minn. Following a request by the Federal Aviation Agency, North Central Airlines reviewed their requirements for these procedures. As a result of this review, they have requested the cancellation of Procedure No. 3.

The proposed alteration of the Brainerd control zone will provide protection for aircraft executing special instrument approach procedure No. 1 which provides for straight in approach to runway 12 at Brainerd-Crow Wing County Airport. The control zone, presently effective from 0800 to 1900 hours local time, daily, is predicated on the weather reporting service being provided by duly certificated personnel of North Central Airlines. In the event of airline schedule change the effective hours of the control zone may vary. Normally, 30 days notice will be given prior to any change by a Notice to Airmen and continuously published in the Airman's Information Manual.

The proposed alteration of the portion of the Brainerd transition area which extends upward from 700 feet above the surface will provide protection for aircraft executing special instrument approach procedures Nos. 1 and 2 during that portion of the approach procedure conducted between 1,000 feet and 1,500 feet above the surface. The transition area extension to the northwest protects special approach procedure No. 1 and the extension to the south protects special procedure No. 2. The proposed alteration of the portion of the Brainerd transition area which extends upward from 1,200 feet above the surface will provide protection for aircraft executing the procedure turn portion of special instrument approach procedure No. 2.

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

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2029; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-14]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Detroit City, Mich., terminal area in order to establish a public-use instrument approach procedure for Berz Airport, Birmingham, Mich., and to provide necessary additional controlled airspace for an existing instrument approach into the Detroit City Airport.

The following controlled airspace is presently designated in the Detroit City terminal area:

1. The Detroit City, Mich., control zone is designated within a 5-mile radius of the Detroit City Airport (latitude 42°24'-35'' N., longitude 83°00'35'' W.), within 2 miles each side of the 143° bearing from the Madison Heights, Mich., RBN, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15 and within 2 miles each side of the Windsor, Ontario, Canada, R.R. NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

2. The Detroit City, Mich., transition area is designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the 143° and 323° bearings from the Madison Heights, Mich., RBN, extending from 6 miles NW of the approach end of the Detroit City Airport Runway 15 to 8 miles NW of the RBN, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial, extending from 4 miles NW to 14 miles NW of the Detroit City Airport.

Berz Airport lies beneath the Detroit City transition area, but outside of the Detroit City control zone. In order to provide protection to aircraft executing prescribed instrument approach procedures into Berz Airport, the Federal Aviation Agency proposes the following airspace actions:

1. Redesignate the Detroit City control zone as that airspace within a 5-mile radius of the Detroit City Airport (latitude 42°24'35'' N., longitude 83°00'35'' W.), within 2 miles each side of the 143° bearing from the Madison Heights, Mich., RBN and Windsor, Ontario, Canada VOR 320° radial, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15 and within 2 miles each side of the Windsor, Ontario, Canada, RR NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

2. Redesignate the Detroit City transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40'' N., longitude 83°10'25'' W.) and within 2 miles each side of the 129° and 309° bearings from the Madison Heights, Mich., RBN, extending from the 5-mile radius area to 8 miles SE of the RBN.

The proposed alteration of the Detroit City control zone to establish a control zone extension within 2 miles each side of the Windsor VOR 320° radial will provide protection for aircraft executing VOR No. 2 instrument approach procedure for Detroit City Airport.

The proposed alteration of the Detroit City transition area will provide protection for aircraft executing prescribed arrival and departure procedures at Berz Airport and the holding procedure at Madison Heights RBN for operations into Detroit City Airport.

Specific details of the proposed instrument approach procedures for Berz Airport may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 12, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-2030; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-15]

CONTROL ZONE AND TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Jefferson City, Mo., and Columbia, Mo., terminal areas.

The following controlled airspace is presently designated in the Jefferson City and Columbia terminal areas:

1. The Columbia, Mo., control zone is presently designated as that airspace within a 5-mile radius of the Columbia Municipal Airport (latitude 38°58'25'' N., longitude 92°21'50'' W.); and within 2 miles each side of the Columbia VOR 003° radial, extending from the 5-mile radius zone to 8 miles N of the VOR.

2. The Columbia, Mo., transition area is presently designated as that airspace extending upward from 700 feet above the surface, bounded on the N by latitude 39°09'00'' N., on the W by longitude 92°31'00'' W., on the S by latitude 38°-53'30'' N., on the E by longitude 92°-14'00'' W.; within 2 miles each side of the Columbia VOR 176° radial, extending from the VOR to 13 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°39'00'' N., longitude 92°31'00'' W., thence N along longitude 92°31'00'' W., to latitude 38°53'30'' N., thence E along latitude 38°53'30'' N., to longitude 92°-14'00'' W., thence S along longitude 92°14'00'' W., to latitude 38°43'30'' N., longitude 92°14'00'' W., thence SE to latitude 38°32'40'' N., longitude 91°55'35'' W., thence SW to latitude 38°23'35'' N., longitude 92°03'40'' W., thence NW to the point of beginning.

3. The Jefferson City, Mo., transition area is presently designated as that airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Jefferson City Memorial Airport (latitude 38°35'30'' N., longitude 92°09'-30'' W.), and within 2 miles each side of the 307° bearing from Jefferson City Memorial Airport, extending from the 6-mile radius area to 8 miles NW of the airport.

The Federal Aviation Agency, having completed a comprehensive review of the airspace structural requirements in the Jefferson City, Mo., and Columbia, Mo., terminal areas, proposes to take the following airspace actions:

(1) Designate the Jefferson City, Mo., control zone to comprise that airspace within a 5-mile radius of Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the Jefferson City VOR 119° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Designate the Jefferson City, Mo., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 8-mile radius area to 8 miles NW of the VOR; and within 2 miles each side of the Jefferson City VOR 119° radial, extending from the 8-mile radius area to 8 miles SE of the VOR.

(3) Designate the Columbia, Mo., transition area as that airspace extending upward from 700 feet above the surface bounded on the N by latitude 39°-09'00" N., on the W by longitude 92°31'-00" W., on the S by latitude 38°53'30" N., on the E by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial, extending from the VOR to 13 miles S of the VOR; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence N along longitude 92°31'00" W. to latitude 38°53'30" N., thence E along latitude 38°53'30" N., to longitude 92°14'00" W., thence S along longitude 92°14'00" W., to latitude 38°43'30" N., thence SE to latitude 38°-34'40" N., longitude 91°55'00" W., SW to latitude 38°24'20" N., longitude 92°-01'50" W., thence NW to latitude 38°-29'20" N., longitude 92°14'00" W., thence NW to the point of beginning.

A Federal Aviation Agency VOR facility is planned for commissioning on the Jefferson City Memorial Airport during May of 1965. Public-use VOR instrument approach procedures will be available utilizing this new VOR upon its commissioning. All requirements for the establishing of a control zone at Jefferson City will then be met. Communications will be handled by the Columbia, Mo., Flight Service Station. This control zone will be effective during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Ozark Airlines. Initially, weather observations and the dissemination of weather information will be from 0600 to 2300 hours, local time, daily. In the event of an airline schedule change, these hours may vary. Normally, 30 days notice will be given prior to any change by a Notice to Airmen and continuously published in the Airman's Information Manual. The proposed control zone will become effective concurrently with the commissioning of the VOR on the Jefferson City Memorial Airport.

The proposed control zone will provide protection for aircraft executing approach, missed approach, and departure procedures. The proposed alterations to the Columbia and Jefferson City transition areas will provide protection for aircraft transitioning from enroute altitudes and for aircraft in prescribed holding patterns.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2031; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-16]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which propose to alter controlled airspace in the Manhattan, Kans., terminal area:

The following controlled airspace is presently designated in the Manhattan, Kans., terminal area:

The Manhattan, Kans., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Marshall AAF (latitude 39°03'15" N., longitude 96°45'50" W.). The portion of this transition area within R-3602 shall be used only after obtaining prior approval from appropriate authority.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Manhattan, Kans., terminal area, proposes the following airspace actions:

1. Designate the Manhattan, Kans., control zone as that airspace within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans., control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

2. Redesignate the Manhattan, Kans., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial, extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Marshall AAF (latitude 39°03'15" N., longitude 96°45'-50" W.). The portion of this transition area within R-3602 shall be used only after obtaining prior approval from appropriate authority.

A new VOR facility is planned to be commissioned at Manhattan, Kans., in August of 1965. When the VOR is commissioned, three new instrument approach procedures will be made effective. The proposed control zone and alteration to the transition area are required to provide adequate controlled airspace to protect aircraft executing the new instrument approach procedures. A planned extension of the Salina, Kans., Flight Service Station transmission capability will enable it to transmit on the new Manhattan VOR frequency and thus satisfy the communications requirement for the establishment of a control zone.

The hours of operation of the control zone will be determined by the availability of weather reporting services, which may change from time to time. The hours of operation of the control zone will be established by a Notice to Airmen and published continually in the Airman's Information Manual. It is initially planned to designate the control zone from 0500 to 0100 hours, local time daily.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2032; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-17]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Bartlesville, Okla., terminal area.

The following controlled airspace is presently designated in the Bartlesville, Okla., terminal area:

The Bartlesville, Okla., control area extension is designated as that airspace within a 20-mile radius of the Phillips Airport, Bartlesville, Okla. (latitude 36°45'46" N., longitude 96°00'30" W.)

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Bartlesville, Okla., terminal area, has determined that the Phillips Airport meets the criteria for the establishment of a control zone. As a result, the following airspace actions are proposed:

1. Designate the Bartlesville, Okla., control zone as that airspace within a 5-mile radius of the Phillips Airport (latitude 36°45'45" N., longitude 96°00'-30" W.), and within 2 miles each side of the Bartlesville VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. Designate the Bartlesville, Okla., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Phillips Airport (latitude 36°45'45" N., longitude 96°00'30" W.); and within 2 miles each side of the Bartlesville VOR 355° radial, extending from the 8-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Bartlesville VOR 355° radial extending from the VOR to 13 miles N of the VOR.

3. Revoke the Bartlesville, Okla., control area extension.

The proposed 5-mile radius control zone will provide protection for aircraft executing departure and missed approach procedures until reaching an altitude of 700 feet above the surface. The extension to the north of the VOR will provide protection for the final approach phase of the AL-867-VOR-1 procedures. The proposed transition area with a floor of 700 feet above the surface will complement the control zone and provide sufficient controlled airspace for departures to reach 1,200 feet above the surface. The extension to the north is necessary during periods when the control zone is not in effect. The 1,200-feet-above-the-surface transition area provides controlled airspace for aircraft holding and transitioning for the AL-867-VOR-1 procedure when operating at or above 1,500 feet above the surface.

The proposed control zone will be in effect during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Bartlesville Radio and Central Airlines. The normal hours for the taking of these weather observations will be from 0600 to 2000 hours, local time, Sunday through Friday, except holidays, and 0600 to 1800 hours, local time, Saturdays and holidays. In the event of airline schedule changes, these hours may be varied. Normally, 30 days notice will be given prior to any change by a Notice to Airmen and published in the Airman's Information Manual.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 15, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-2033; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-CE-47]

CONTROL ZONE AND TRANSITION AREA

Withdrawal of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on September 23, 1964 (29 F.R. 13207), it was stated that the Federal Aviation Agency proposed to designate a control zone and a transition area at Dillon, Mont. Subsequent to publication of the notice, it has been determined by the Federal Aviation Agency that the prescribed instrument approach procedures, which this proposed, controlled airspace was designed to protect, have not been utilized and there is little likelihood of their utilization in the future. Therefore, the designation of the proposed controlled airspace does not appear warranted. Accordingly, the notice is being withdrawn.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 64-CE-47 is withdrawn.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2034; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 63-SO-74]

CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Sanford and Orlando, Fla., control zones, designate a McCoy AFB control zone separate from the Orlando zone, designate transition areas at both Orlando and Sanford, and revoke the Sanford, Fla., control area extension.

The Orlando, Fla., control zone is presently designated within a 5-mile radius of Orlando Municipal Airport (latitude 28°32'40'' N., longitude 81°19'55'' W.); within a 5-mile radius of McCoy AFB, Orlando, Fla. (latitude 28°25'55'' N., longitude 81°19'15'' W.), and within 2 miles either side of a 001° bearing from the McCoy AFB extending from the 5-mile radius zone to 10 miles S of the AFB.

The Sanford, Fla., control zone is presently designated within a 5-mile radius of NAS Sanford (latitude 28°46'25'' N., longitude 81°14'20'' W.) and within 2 miles either side of a 270° bearing from NAS Sanford RBN extending from the 5-mile radius zone to 12 miles W of the RBN.

The Sanford, Fla., control area extension is presently designated as that airspace bounded on the N by latitude 29°-00'00'' N., on the E by longitude 81°-15'00'' W., on the S by latitude 38°30'00'' N., on the W by longitude 82°00'00'' W.

Having completed a comprehensive review of the terminal airspace structure requirements in the Orlando and Sanford, Fla., 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), the Federal Aviation Agency proposes the airspace actions hereinafter set forth.

1. The Orlando, Fla., control zone would be redesignated within a 5-mile radius of Orlando (Herndon) Municipal Airport (latitude 28°32'40'' N., longitude 81°19'55'' W.), excluding that portion S of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (latitude 28°-25'55'' N., longitude 81°19'15'' W.); within 2 miles each side of the Orlando VOR 122° radial extending from the 5-mile radius zone to 7 miles SE of the VOR; within 2 miles each side of the Orlando ILS localizer W course extending from the 5-mile radius zone to the Orlando LOM; within 2 miles each side of the Orlando VOR 317° radial extending from the 5-mile radius zone to 7 miles NW of the VOR; and within 2 miles each side of the Orlando ILS localizer E course extending from the 5-mile radius zone to 7 miles E of the localizer antenna.

2. A McCoy AFB control zone would be designated within a 5-mile radius of McCoy AFB, Orlando, Fla. (latitude 28°-25'55'' N., longitude 81°19'15'' W.); within 2 miles each side of the McCoy ILS localizer S course extending from the 5-mile radius zone to the McCoy LOM; and within 2 miles each side of the McCoy TACAN 184° radial extending from the 5-mile radius zone to 7 miles S of the TACAN; excluding that portion which coincides with the Orlando, Fla. (Herndon Municipal Airport) control zone.

3. The Sanford, Fla., control zone would be redesignated within a 5-mile radius of NAS Sanford (latitude 28°-46'30'' N., longitude 81°14'20'' W.); within 2 miles each side of the NAS Sanford TACAN 085° radial extending from the 5-mile radius zone to 7 miles E of the TACAN; within 2 miles each side of the 271° bearing from the NAS Sanford RBN (LF and UHF) extending from the 5-mile radius zone to 12 miles W of the RBN; and within 2 miles each side of the extended centerline of runway 36 extending from the 5-mile radius zone to 4.5 miles south of runway 36.

4. An Orlando, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Orlando (Herndon) Municipal Airport, Orlando, Fla. (latitude 28°32'40'' N., longitude 81°19'55'' W.); within a 7-mile radius of McCoy AFB, Orlando, Fla. (latitude 28°25'55'' N., longitude 81°19'15'' W.); within 5 miles E and 8 miles W of the McCoy ILS localizer S course extending from McCoy AFB to 12 miles S of the LOM; that airspace extending upward from 1,200 feet above the surface encompassed by a line beginning on the NE boundary of V-159 at latitude 29°-00'00'' N., extending E along latitude 29°00'00'' N., to the W boundary of V-267, thence S along the W boundary of V-267 to latitude 28°58'00'' N., thence E along latitude 28°58'00'' N., to the limits of the territorial waters of the United States, thence SE along the limits of the territorial waters of the United States to a 25-mile radius arc centered at Patrick AFB, Cocoa, Fla. (latitude 28°14'15'' N., longitude 80°36'35'' W.), thence counterclockwise along this arc to a 35-mile radius arc centered on Orlando (Herndon) Municipal Airport, thence clockwise along this 35-mile radius arc to the NE boundary of V-159 and NW along the NE boundary of V-159 to the point of beginning; including the area S of Orlando bounded on the E by the W boundary of V-267/295, on the S by latitude 27°45'00'' N., on the W by the NE boundary of V-157, and a 42-mile radius arc centered on MacDill AFB, Tampa, Fla. (latitude 27°51'00'' N., longitude 82°30'41'' W.), on the NW by the SE boundary of V-152S; and including that airspace W of Orlando bounded on the S by the N boundary of V-152N, on the W by the E boundary of V-157 and on the N by the S boundary of V-295.

5. A Sanford, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Sanford, Fla. (latitude 28°46'30'' N., longitude 81°14'20'' W.).

6. The Sanford, Fla., control area extension would be revoked.

The proposed control zone alterations and designations are required for the protection of prescribed instrument approach and departure procedures at Orlando Municipal Airport, McCoy AFB, and NAS Sanford. McCoy AFB would be provided a control zone separate from Orlando so that operations within each zone can be conducted in accordance with weather conditions existing within the respective zones. The proposed Sanford transition area is required for the protection of instrument departures until they reach 1,200 feet above the surface and instrument arrivals descending below 1,500 feet above the surface. The proposed Orlando transition area is required for the protection of prescribed instrument approach and departure procedures at Orlando Municipal Airport, NAS Sanford, and McCoy AFB, for radar vectoring within the area, prescribed holding patterns and standard instrument departure routes emanating from McCoy AFB and NAS Sanford.

The Orlando control area extension would remain as presently designated. It would be revoked, however, when adjacent transition areas are designated to provide sufficient protected airspace.

The floors of airways traversing the proposed transition areas would automatically coincide with the floors of the transition areas.

Certain minor revisions to instrument approach procedures and to minimum instrument flight rules altitudes 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 these changes 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 30 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 February 18, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2035; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Malden, Mo., terminal area.

The following controlled airspace is presently designated in the Malden, Mo., terminal area:

The Malden, Mo., transition area is designated as that airspace extending upward from 700 feet above the surface within 5 miles either side of the Malden VOR 300° radial, extending from the VOR to 11 miles NW; within 8 miles NE and 5 miles SW of the Malden VOR 120° radial, extending from the VOR to 17 miles SE, and within 10 miles W and 7 miles E of the Malden VOR 167° and 347° radials, extending from 9 miles S to 20 miles N of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Malden, Mo., terminal area, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60-21/60-29, proposes the following airspace actions:

Redesignate the Malden, Mo., transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Malden Municipal Airport (latitude 36°36'30" N., longitude 89°59'00" W.), and within 2 miles each side of the Malden VOR 120° radial, extending from the 6-mile radius to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Malden VOR 120° radial, extending from 2 miles NW to 12 miles SE of the VOR.

The proposed alteration of the Malden transition area extending upward from 700 feet above the surface will provide protection for aircraft executing departure and missed approach procedures. The extension to the SE of the VOR will provide protection for aircraft executing the final approach phase of the AL-878-VOR-1 instrument approach. The portion of the transition area with a floor of 1,200 feet above the surface will provide protection for aircraft in prescribed holding patterns and for aircraft transitioning to the final approach for the AL-878-VOR-1 procedure.

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2036; Filed, Feb. 26, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to designate controlled airspace at Baudette, Minnesota.

Having completed a comprehensive review of airspace requirements at Baudette, Minn., including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to establish a transition area at Baudette, Minn.

The proposed Baudette transition area would be designated to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'25" N., longitude 94°36'24" W.) and within 2 miles each side of the 111° bearing from Baudette International Airport extending from the 5-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 111° and 291° bearings from Baudette International Airport extending from 7 miles W to 13 miles E of the airport, excluding the portion outside of the United States.

A public instrument approach procedure will be established at Baudette, Minn., concurrently with the designation of the proposed transition area. The proposed 700-foot floor transition area will provide protection for aircraft executing the proposed, prescribed instrument approach procedure during their descent from 1,500 to 1,000 feet above the surface and for departing aircraft during their climb from 700 to 1,200 feet above the surface. The proposed 1,200-foot floor transition area will provide protection for aircraft while they are in the procedure turn area of the proposed, prescribed instrument approach procedure and while in the holding pattern at Baudette, Minn. Communications will be available through the Federal Aviation Agency Flight Service Station at Hibbing, Minn. Coordination with the Canadian Department of Transport is being conducted regarding the designation of control area within Canada comparable to the actions proposed herein.

A low-altitude airway is being proposed in a separate airspace action for the route between Baudette and Bemidji, Minn. The floor of this airway will automatically coincide with the floors of the transition area.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. 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. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. 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 public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on February 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2037; Filed, Feb. 26, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Examinations and Reports

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, as set forth below, §§ 107.801 and 107.802 of Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534 and 30 F.R. 1187. Prior to the final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Investment Division, Small Business Administration, Washington, D.C., 20416, within a period of 10 days of the date of this notice in the FEDERAL REGISTER.

Information. The amendments under consideration embody (1) the addition of a new paragraph (f) to § 107.801 pertaining to Examinations, to call attention to the Audit and Examination Guide for Small Business Investment Companies, (2) corrections of and additions to certain paragraphs of § 107.802 pertaining to Reports, to effect minor technical changes and conform such paragraphs to the current administrative titles and addresses, and (3) the substitution of an amendment Financial Report, SBA Form 468, and instructions pertaining thereto in lieu of similar items referred to in the present paragraph (h) of § 107.802.

The amended Financial Report, SBA Form 468, and Instructions for Preparation of the Financial Report (SBA Form 468) will replace the Financial Report, SBA Form 468 (2-62) and Instructions for Preparation of the Financial Report, SBA Form 468 (2-63). The principal changes in the Financial Report, SBA Form 468, are as follows:

1. The breakdown of portfolio securities in the Statement of Financial Condition between current and long-term portions thereof has been eliminated in favor of showing total outstanding balances of such securities as long-term.

2. An item has been provided in the Statement of Financial Condition for reflecting warrants, options, and other stock rights acquired from small business concerns which have a separate purchase cost or for which a separate cost has been determined.

3. The Liabilities, Capital Stock, and Surplus section of the Statement of Financial Condition has been provided with a supplement wherein there is to be presented a summary of assets at value, less liabilities and preferred stock, to arrive at the net asset value of the common stock outstanding as of the date of the financial statement.

4. In the Statement of Financial Condition the segregation of long-term debt to SBA between that portion maturing within one year and that portion maturing after one year has been eliminated, with all such obligations being shown as long-term liabilities.

5. In the Statement of Financial Condition the section providing for showing the long-term debt now presents a more detailed breakdown than previously in order to show separately loans directly from SBA; loans from other than SBA, guaranteed by SBA; and guaranteed loans purchased by SBA; as well as subordinated debentures issued to SBA.

6. In the Statement of Statutory Capital and Surplus the distinction between minimum capital and surplus and total capital and surplus has been eliminated to conform to amended § 107.301 of the regulations.

7. The Statement of Realized Gain or Loss on Investments has been amended to show "aggregate cost less allowance for losses" rather than merely "aggregate cost" of securities sold or disposed of otherwise. This is to conform with the change in accounting for allowances for losses on debt securities and on capital stock as hereinafter explained.

8. The Statement of Income and Expense as amended, provides for netting the income and expense in relation to assets acquired in liquidation of loans and debt securities, in order to avoid distortion of either the total income or the total expense figure in published summaries of SBIC financial data for all Licensees because of unusual situations obtaining with respect to a few Licensees. The amended Statement of Income and Expense shows net operating income before provision for probable losses and income taxes; shows the separate categories of the provision for probable losses; shows net operating income before provision for income taxes; and shows the tax provision and net income or loss from operations.

9. The Statement of Operating Expenses no longer reflects expenses for uncollectible receivables and estimated losses on portfolio assets, inasmuch as these items now appear in the Statement of Income and Expense. Previously, any allowances for losses which had been established with respect to debt securities or capital stock of small business concerns held by the Licensees were to be reversed against current expenses when the debt securities or the capital stock in question was disposed of, and any gains or losses on such disposition were to be credited or charged to gain or loss accounts and reflected in the Statement of Realized Gain or Loss on Investments, with the gain or loss being computed by comparing the proceeds with the original cost. In the amended reporting system allowances for losses on debt securities or capital stock of small business concerns are to be treated in the same manner as the allowance for losses on section 305 loans; that is, any loss on disposition is to be absorbed by such allowance to the extent available, and gains or losses are to be computed by comparing the proceeds with the original cost less the applicable allowance for losses after any allowance in excess of losses has been reversed against current expenses.

10. An additional schedule of portfolio securities (Schedule No. 8) has been provided for reflecting the description, previous balances, additions, deductions, and current balances of warrants, options, and other stock rights acquired from small business concerns for which a separate cost has been determined. Grant and expiration dates, exercise prices, allowance for losses, and market, or fair values as determined by the board of directors are also to be shown.

11. Schedules 3, 4, 7, and 8 showing details of portfolio securities have been amended to eliminate the necessity for repeating in every report information as to date, maturity date, original principal amount, amortization plan, and accompanying stock rights relating to any financing instrument. Such data are to be shown only with reference to new or additional financing, or existing financing for which the terms have been amended.

12. Schedule 9 for Participations Sold to Other Lenders or Investors has been modified to include provision for showing participations in warrants, options, and other stock rights of small business concerns.

13. Schedule 10 for Cash on Hand and Funds on Deposit now provides a section to show amounts deposited in savings institutions to conform to amended § 107.710 of the regulations.

14. The arrangement of the Financial Report, SBA Form 468, has been changed so that Part I now embraces the Statement of Financial Condition, Statement of Statutory Capital and Surplus, Statement of Realized Gain or Loss on Investments, Statement of Income and Expense, and Schedules 1 and 2; Part II includes Schedules 3 through 10; and Part III includes Schedules 11 through 20.

The changes in the Instructions for Preparation of the Financial Report (SBA Form 468) principally involve the instructions with respect to the statements and schedules which have been added to the report or amended in such report. Of particular interest is the instruction relating to item 57 in the Statement of Financial Condition wherein there is to be shown the net asset value of each share of common stock. This instruction is very specific with regard to the method of computing unrealized appreciation of portfolio securities. Another feature of interest is the paragraph opening the instructions with respect to Part II wherein it is explained that the percentage of actual and potential ownership of a financed small business concern's voting securities shall be computed, for report purposes, without giving consideration to the possibility of simultaneous exercise of their stock rights by other investment interests, but that a Licensee may footnote the applicable schedule to show the percentage giving consideration to the probable action of others in exercising warrants and options.

It is proposed to amend the Regulations Governing Small Business Investment Companies by:

1. Adding a new paragraph (f) to § 107.801. New paragraph (f) of § 107.801 will read as follows:

§ 107.801 Examinations.

* * * * *

(f) *Audit and Examination Guide.* Reference should be made to the Audit and Examination Guide for Small Business Investment Companies, as amended, filed with the Office of the Federal Register as part of the original document. The Audit and Examination Guide for Small Business Investment Companies, which is incorporated in and expressly made a part of this section, has been prepared by SBA to inform Licensees and independent public accountants engaged by them as to SBA's requirements concerning audits and examinations of SBICs. Copies of such Audit and Examination Guide are made available to Licensees and their independent public accountants through the Office of Chief Accountant, Small Business Administration, 811 Vermont Avenue, NW., Washington, D.C., 20416, and at all Area Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator for Investment, Small Business Administration, 811 Vermont Avenue, NW., Washington, D.C., 20416.

2. Deleting paragraphs (b), (d), (f), (g), and (i) of § 107.802 and substituting in lieu thereof new paragraphs (b), (d), (f), (g), and (i). As amended paragraphs (b), (d), (f), (g), and (i) of § 107.802 will read as follows:

§ 107.802 Reports.

* * * * *

(b) *Reports to stockholders.* At the time any financial report (including any prospectus, letter, or other publication with respect to the financial affairs or operations of the Licensee or any of its portfolio small business concerns) is furnished to investors and shareholders of a Licensee, such Licensee shall submit to the Investment Division, Small Business Administration, Washington, D.C., 20416, three (3) copies of such report.

* * * * *

(d) *Forms for financial reports.* The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468, which is designed for submission in part or in its entirety. Part I requires statement of financial condition, statement of statutory capital and surplus, statement of realized gain or loss on investments, statement of income and expense, and Schedules 1 and 2. Part II requires supporting Schedules 3 through 10, and Part III requires supporting Schedules 11 through 20.

(1) Part I, together with any schedule(s) of Parts II and III that may be specified, comprises the interim report required to be submitted, upon request by SBA, for any period of 1 month or more. Parts I and II comprise the report required to be submitted to SBA covering the first 6 months' period of each fiscal year. Parts I, II, and III comprise the annual report required to be submitted to SBA covering the entire fiscal year. With the exception of the annual report, the Financial Report shall be submitted in triplicate to the Investment Division, Small Business Administration, Washington, D.C., 20416, on or before the last day of the month immediately following the close of the period covered by the report. Such annual report shall be submitted in triplicate to the Investment Division, Small Business Administration, Washington, D.C., 20416, on or before the last day of the third month following the close of the fiscal year for SBA purposes to which such annual report relates.

(2) When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a consolidation of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional part of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(3) Licensees required to file reports under the Investment Company Act of 1940 should refer to the rules and forms promulgated by the Securities and Exchange Commission, 425 2d Street NW., Washington, D.C., 20549, concerning the applicability of this report in fulfilling the Commission's requirements for financial reports.

* * * * *

(f) *Designations.* Whenever any assets are pledged as collateral or are earmarked for segregation under a negative pledge or similar agreement, the identity of the assets pledged or earmarked shall be indicated in the portfolio schedules supporting the statement of financial condition. Whenever amounts are classified as "current" and "noncurrent," "current" shall refer to the amount maturing within 1 year and "noncurrent" shall refer to the amount maturing after 1 year. If, however, an amount will mature within 1 year but is not reasonably expected to be paid when due, it shall be classified as "noncurrent."

(g) *Obtaining forms for report.* The Financial Report, SBA Form 468, as amended, and the Instructions for Preparation of the Financial Report (SBA Form 468) are filed with the Federal Register Office as part of the original document. Copies of the Financial Report, SBA Form 468, as amended, together with amended instructions for preparation of such report, are available at the Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416, and at all Area Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator for Investment, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416.

* * * * *

(i) *Other reports.* In addition to the reports required elsewhere in this section, each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C., 20416, such other reports at such times and in such forms as SBA shall require.

3. Deleting the Financial Report, SBA Form 468, and instructions for preparation thereof referred to in § 107.802(h) and substituting in lieu thereof the following amended Financial Report, SBA Form 468, and Instructions for Preparation of the Financial Report (SBA Form 468)[1] which will henceforth be referred to in paragraph (h) of § 107.802.

By direction of Eugene P. Foley, Administrator, Small Business Administration.

Dated: February 19, 1965.

Ross D. Davis,
Executive Administrator,
Small Business Administration.

[F.R. Doc. 65-2073; Filed, Feb. 26, 1965; 8:47 a.m.]

[13 CFR Part 121]

SMALL BUSINESS MANUFACTURER

Proposed Definition

Notice of proposal to amend the definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized.

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Revision 5) by establishing a new definition for a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized.

The present definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized, is a concern which is independently owned and operated, is not dominant in its field of operation, and, together with its affiliates, employs no more than 500 persons.

It has come to the attention of the Small Business Administration that the 500-employee size standard for manufacturing concerns in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized, does not permit sufficient

[1] Filed as part of the original document.

competition between the smaller firms in the industry and the larger concerns. Therefore, it is proposed to establish a size standard of 1,000 employees for manufacturing concerns in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized.

Interested persons may file with the Small Business Administration within 30 days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the new definition.

All correspondence shall be addressed to:

Office of Economic Analysis,
Small Business Administration,
Washington 25, D.C.

It is proposed to change the definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized, as follows:

The Small Business Size Standards Regulation (Revision 5), is hereby further amended by adding to Schedule B of § 121.3-8 the following industry size standard.

Census classification code	Industry	Employment size standard (number of employees)
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized.	1,000

Dated: February 19, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-2051; Filed, Feb. 26, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

SPECIAL CUSTOMS INVOICE

Notice of Hearing Regarding Revisions in Customs Form

FEBRUARY 19, 1965.

On July 30, 1964, the Bureau of Customs announced that a revised edition of the Special Customs Invoice Form, Customs Form 5515, which is employed pursuant to § 8.15 of the Customs Regulations (19 CFR 8.15), would soon be available and that use of the revised edition would become mandatory on July 1, 1965. The principal change made by the new edition of the form is the addition of two new questions under section V.

The two new questions are as follows:

8. (A) Did production of goods involve costs for "assists" (i.e.—dies, molds, tooling, printing plates, patterns, drawings, blueprints, artwork, engineering work, design and development, financial assistance) not included in the invoice price?

☐ Yes. ☐ No. (If yes, identify nature of assist involved ----------, and complete Part B.)

(B) (1) Assists valued at ---------- ("Unknown," if applicable) were supplied by:

☐ Manufacturer ☐ Importer ☐ Other (identify).

(2) Assists were:

☐ (a) Supplied without cost.

☐ (b) Supplied on rental basis.

☐ (c) Invoiced separately.

If (c), attach copy of invoice.

9. If the price(s) shown in column 6 is (are) higher than those shown in column 7, there is an indication of possible sales at less than fair value within the meaning of the U.S. antidumping statutes. If this differential exists, please select one of the following alternatives:

(A) ☐ To the best of my knowledge and belief the differential between the column 6 and column 7 prices is the result of conditions of sale which would not result in sales at less than fair value within the meaning of the U.S. antidumping laws.

or

(B) ☐ There is attached hereto an explanation of the differences between the column 6 and column 7 prices.

NOTE. In his discretion the appraiser may nonetheless require submission of the information called for under item 9(B)

Prior to issuing the new edition of Form 5515, the Bureau of Customs had sought and obtained the approval of the Bureau of the Budget thereon.

An association of importers has now requested the Treasury Department to hold a public hearing at which interested parties may present their views with respect to the appropriateness of the two questions set forth above which have been added to Form 5515.

Notice is hereby given that the Treasury Department will afford all interested parties an opportunity to be heard on March 30, 1965, at 10:00 a.m., with regard to revised Customs Form 5515. The hearing will be held in Room 4121 of the Main Treasury Building, 15th Street and Pennsylvania Avenue NW., Washington, D.C.

Any person desiring to be heard should notify the undersigned, in writing, as soon as possible. Any such person should prepare his statement in writing and three copies of it should be supplied at the time of the hearing.

Any person desiring to submit a statement without appearing or testifying orally may do so.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65-2052; Filed, Feb. 26, 1965; 8:46 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 18]

NORTHWESTERN NATIONAL CASUALTY CO.

Surety on Federal Bonds; Authority and Termination of Authority

FEBRUARY 23, 1965.

Certificate of authority as an acceptable surety on Federal bonds issued to Northwestern National Casualty Co., Milwaukee, Wis. (a Wisconsin corporation); termination of the authority of Northwestern National Casualty Co., Milwaukee, Wis. (a Delaware corporation), to qualify as surety on Federal bonds:

A certificate of Authority as an acceptable surety on Federal bonds, dated January 1, 1965, has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13).

An underwriting limitation of $731,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in Which Incorporated, Name of Company and Location of Principal Executive Office
Wisconsin
Northwestern National Casualty Co. Milwaukee, Wis.

The Certificate of Authority issued by the Secretary of the Treasury to Northwestern National Casualty Co., Milwaukee, Wis., a Delaware corporation, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6–13) is hereby terminated effective as of December 31, 1964.

Pursuant to Amended Agreement for Consolidation approved by the Commissioner of Insurance of the State of Wisconsin on December 28, 1964, effective December 31, 1964, Northwestern National Casualty Co., a Delaware corporation, and Northwestern National Casualty Corp., a Wisconsin corporation, both with executive offices located in Milwaukee, Wis., were consolidated so as to form a new insurance company known as Northwestern National Casualty Co. (a Wisconsin corporation). The new corporation acquired all the assets and assumed all the liabilities of the constituent corporations. A copy of the Amended Agreement for Consolidation is on file in the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the consolidation, with respect to any bond 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 Northwestern National Casualty Co., a Delaware corporation, pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-2056; Filed, Feb. 26, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

SHANTZ & RODMAN LIVESTOCK COMMISSION CO., INC., ET AL.

Proposed Posting of Stockyards

The Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Shantz & Rodman Livestock Commission Co., Inc., North Little Rock, Ark.
Rensselaer Livestock Auction, Rensselaer, Ind.
Flint Hills Livestock Auction, Eskridge, Kans.
Concordia Livestock Auction, Concordia, Mo.
Sitting Bull Auction Co., Williston, N. Dak.
Randolph Horse Sale, Cooper, Tex.
Century Sales Service, Sedro Woolley, Wash.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921 as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 23d day of February 1965.

K. A. POTTER,
Acting Chief, Rates and Registration Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-2046; Filed, Feb. 26, 1965; 8:46 a.m.]

DAYTONA HORSE SALES, INC. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name and Location of Stockyard and Date of Posting

Daytona Horse Sales, Inc., Daytona Beach, Fla.; November 20, 1964.
Hart County Livestock Market, Munfordville, Ky.; December 12, 1959.
Hammond Livestock Sales, Exeter, Maine; August 10, 1960.
Menahga Sale Pavilion, Menahga, Minn.; October 27, 1959.
Mayville Livestock Auction, Mayville, N. Dak.; August 5, 1963.
Whitford Sales Co., Whitford, Pa.; November 20, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption of relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 23d day of February 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-2045; Filed, Feb. 26, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES S. MITCHELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 15, 1965.

Dated: February 15, 1965.

C. S. MITCHELL.

[F.R. Doc. 65-2044; Filed, Feb. 26, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BLATCHFORD CALF MEAL CO.

Notice of Filing of Petition for Food Additives Erythromycin, Zoalene, and Arsanilic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that petitions (FAPs 5D1599, 5D1600, 5D1611) have been filed by Blatchford Calf Meal Company, 2 East Madison Street, Waukegan, Ill., proposing the issuance of a reguation to provide for the safe use of erythromycin with or without zoalene and/or arsanilic acid, as follows:

TABLE 1—ERYTHROMYCIN IN COMPLETE FEED FOR CHICKENS, TURKEYS, AND SWINE

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Erythromycin	3.7-20			For chickens and swine; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
Do	3.7-50			For turkeys; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
Do	3.7-20			For laying chickens; as erythromycin thiocyanate.	Maintaining or increasing egg production and improving feed efficiency.
Do	92.5-100			For chickens and turkeys; as erythromycin thiocyanate; feed for 2 days before stress and 3 to 6 days after stress.	As an aid in prevention of respiratory diseases resulting from stress.
Do	92.5-100			For chickens as erythromycin thiocyanate; feed for 7 to 14 days, then feed 18.5-20 grams per ton of feed continuously to prevent further outbreaks.	Treatment of infectious coryza.
Do	185-200			For chickens and turkeys; as erythromycin thiocyanate; feed for 5 to 8 days; do not use eggs produced during the treatment period for food purposes.	Treatment of chronic respiratory disease.
Do	185-200			For chickens and turkeys; as erythromycin thiocyanate; feed 2 days before exposure, continue 3 to 6 days after stress. Do not use eggs during the treatment period for food purposes.	As an aid in prevention of chronic respiratory disease during time of stress.
Do	3.7-20	Zoalene plus arsanilic acid.	36.3-113.5 90	For broiler and replacement chickens; as erythromycin thiocyanate; § 121.207(c), items 2 and 3; withdraw 5 days before slaughter.	§ 121.207(c), items 2 and 3; growth promotion and feed efficiency and improving pigmentation.
Do	92.5-100	do	36.3-113.5 90	For broiler and replacement chickens; as erythromycin thiocyanate; feed 2 days before stress and 3 to 6 days after stress; § 121.207 (c), items 2 and 3; withdraw 5 days before slaughter.	As an aid in prevention of respiratory disease resulting from stress and improving pigmentation; § 121.207(c), items 2 and 3.
Do	92.5-100	do	36.3-113.5 90	For broiler and replacement chickens; as erythromycin thiocyanate; feed for 7 to 14 days, then feed 18.5-20 grams per ton of feed continuously to prevent further outbreaks, § 121.207 (c), items 2 and 3; withdraw 5 days before slaughter.	Treatment of infectious coryza and improving pigmentation; §121.207 (c), items 2 and 3.

TABLE 1—ERYTHROMYCIN IN COMPLETE FEED FOR CHICKENS, TURKEYS, AND SWINE—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
Erythromycin	185-200	Zoalene plus arsanilic acid.	36.3-113.5 90	For broiler and replacement chickens; as erythromycin thiocyanate; feed for 5 to 8 days; § 121.207(c), items 2 and 3; withdraw 5 days before slaughter.	Treatment of chronic respiratory disease; § 121.207(c) items 2 and 3; improving pigmentation.
Do	185-200	do	36.3-113.5 90	For broiler and replacement chickens; as erythromycin thiocyanate; feed 2 days before exposure, continue 3 to 6 days after stress; § 121.207(c), items 2 and 3; withdraw 5 days before slaughter.	As an aid in prevention of chronic respiratory disease during times of stress; § 121.207(c), items 2 and 3; improving pigmentation.
Do	3.7-20	Zoalene	36.3-113.5	For broiler and replacement chickens; as erythromycin thiocyanate; § 121.207(c), items 2 and 3.	§ 121.207(c), items 2 and 3; growth promotion and feed efficiency.
Do	92.5-100	Zoalene	36.3-113.5	For broiler and replacement chickens; as erythromycin thiocyanate; feed for 2 days before stress and 3 to 6 days after stress; § 121.207(c), items 2 and 3.	As an aid in prevention of respiratory disease resulting from stress; § 121.207(c), items 2 and 3.
Do	92.5-100	Zoalene	36.3-113.5	For broiler and replacement chickens; as erythromycin thiocyanate; feed for 7 to 14 days then feed 18.5-20 grams per ton of feed continuously to prevent further outbreaks; § 121.207(c), items 2 and 3.	Treatment of infectious coryza; § 121.207(c), items 2 and 3.
Do	92.5-100	Zoalene	36.3-113.5	For chickens; as erythromycin thiocyanate; feed for 2 days before stress and 3 to 6 days after stress; § 121.207(c), items 2 and 3.	As an aid in prevention of respiratory disease resulting from stress; § 121.207(c), items 2 and 3.
Do	185-200	Zoalene	36.3-113.5	For broiler and replacement chickens; as erythromycin thiocyanate; feed for 5 to 8 days; § 121.207(c), items 2 and 3.	Treatment of chronic respiratory disease; § 121.207(c), items 2 and 3.
Do	185-200	Zoalene	36.3-113.5	For broiler and replacement chickens; as erythromycin thiocyanate; feed 2 days before exposure, continue 3 to 6 days after stress; § 121.207(c), items 2 and 3.	As an aid in prevention of chronic respiratory disease during time of stress; § 121.207(c), items 2 and 3.

TABLE 2—ERYTHROMYCIN IN COMPLETE CATTLE FEED

Principal ingredient	Milligrams per head per day	Combined with—	Milligrams per head per day	Limitations	Indications for use
Erythromycin	37.0-80.0			For growing cattle; as erythromycin thiocyanate.	Growth promotion and feed efficiency.

Dated: February 18, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-1935; Filed, Feb. 26, 1965; 8:45 a.m.]

FIRESTONE SYNTHETIC RUBBER & LATEX CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B1162) has been filed by Firestone Synthetic Rubber & Latex Co., Division of Firestone Tire & Rubber Co., 381 West Wilbeth Road, Akron, Ohio, 44301, proposing that paragraph (b)(5) of § 121.2550 *Closures with sealing gaskets for food containers* be amended by inserting in the list of substances the item "polybutadiene."

Dated: February 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-2089; Filed, Feb. 26, 1965; 8:48 a.m.]

MORTON CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1571) has been filed by Morton Chemical Co., a division of Morton Salt Co., 110 North Wacker Drive, Chicago, Ill., 60606, proposing the issuance of a regulation to provide for the safe use of a vinylidene chloride copolymer food-contact coating on substrates of nylon complying with § 121.2502.

Dated: February 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-2090; Filed, Feb. 26, 1965; 8:48 a.m.]

REICHHOLD CHEMICALS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1598) has been filed by Reichhold Chemicals, Inc., RCI Building, White Plains, N.Y., proposing that paragraph (b)(2) of § 121.2526 be amended by inserting in the list of substances the item "Cyclized rubber," subject to the limitation "For use only in coatings for paper and paperboard intended for use in contact with food only of the type identified in paragraph (c) of this section, table 1, under types VIII and IX."

Dated: February 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-2091; Filed, Feb. 26, 1965; 8:48 a.m.]

WEST CHEMICAL PRODUCTS

Notice of Filing of Petition Regarding Food Additives Sanitizing Solutions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H1665) has been filed by West Chemical Products, 42-16 West Street, Long Island City, N.Y., 11101, proposing that § 121.2547 *Sanitizing solutions* be amended by adding to the solutions in paragraph (b) a new subparagraph (5) as follows:

(5) An aqueous solution containing iodine, hydroiodic acid, isopropyl alcohol, and ethylene oxide-alkyl (C_8 to C_{10}) phenol-condensates (containing 4 to 15 moles of ethylene oxide) and/or polyoxyethylene - polyoxypropylene block polymers (having a minimum average molecular weight of 1900), together with components generally recognized as safe.

Dated: February 18, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-2093; Filed, Feb. 26, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 13, set forth below, to Facility License No. R-71, as amended. The license, as amended, authorizes General Dynamics Corp. to operate its TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes operation of the reactor with thermionic or thermoelectric devices for as long as 10,000 hours each at 1.5 megawatts (thermal) of reactor power, with or without purging of the devices, as described in the licensee's application for license amendment dated January 21, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR 2). If a request for a hearing or a petition to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing on an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated January 21, 1965, and (2) a related Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-67, Amdt. No. 13]

License No. R-67, as amended, issued to General Dynamics Corp. is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corp. is authorized:

1. to operate the reactor with thermionic or thermoelectric devices for as long as 10,000 hours each at 1.5 megawatts (thermal) of reactor power, with or without purging of the devices, as described in the licensee's application for license amendment dated January 21, 1965.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-1964; Filed, Feb. 26, 1965; 8:45 a.m.]

[Docket No. 50-2]

UNIVERSITY OF MICHIGAN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 15, set forth below, to Facility License No. R-28, authorizing operation until February 17, 1975, of the University of Michigan's Ford Nuclear Reactor located on the University's campus in Ann Arbor, Mich.

The expiration date specified in Facility License No. R-28 as originally issued was February 17, 1965. In an application dated January 12, 1965, as supplemented January 29, 1965, the University of Michigan requested an extension of the license for a 10-year period. No change in operating conditions is involved.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for extension and supplement thereto, copies of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 15th day of February 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-28, Amdt. No. 15]

1. Facility License No. R-28, as amended, which authorizes the Regents of the University of Michigan to operate the Ford Nuclear Reactor located on the University's campus in Ann Arbor, Mich., is hereby further amended in accordance with the application dated January 12, 1965, and supplement thereto dated January 29, 1965.

A. The final paragraph of License No. R-28, as originally issued September 13, 1957, is designated paragraph No. 6 and is amended to read as follows:

"6. This amended license is effective as of the date of issuance and shall expire February 17, 1975, unless sooner terminated."

2. This amendment is effective as of the date of issuance.

Date of issuance: February 15, 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-2048; Filed, Feb. 26, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15556; Order No. E-21824]

PIEDMONT AVIATION, INC.

Authorization To Discuss Baggage Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23d day of February 1965.

On September 22, 1964, the Board authorized the members of the Air Traffic Conference of America (ATC) to discuss a proposal of American Airlines, Inc., for certain fundamental changes in the free baggage allowance and the charges for excess baggage in domestic airline service.[1] Since that time, the Board has authorized further discussions among ATC members with a view to resolving the issues raised by American's proposal and, ultimately, reaching an agreement to be submitted for Board approval or disapproval.[2]

By letter dated February 4, 1965,[3] Piedmont Aviation, Inc., requests authority to discuss, with carrier members of the Association of Local Transport

[1] Order E-21310.

[2] Orders E-21564, Dec. 7, 1964, and E-21666, Jan. 12, 1965.

[3] On Feb. 5, 1965, Piedmont sent a letter of technical correction of its letter of Feb. 4, 1965, which changed the reference from Docket 14274 to Docket 15556.

Airlines and nonmember Mohawk Airlines, Inc., the proposed baggage revisions. Piedmont states that there is no intention to set up a working group in opposition to the ATC committee dealing with this problem, but that the discussion could crystalize the local service carrier problem and develop a solution acceptable to both trunkline and local service carriers. One meeting is contemplated to be held in February 1965 and another prior to March 15, 1965.

We have already authorized intercarrier discussions of the domestic free baggage allowance and excess baggage charges, within the framework of the Air Traffic Conference of America (Order E–21310, Sept. 22, 1964), and for the reasons stated in that order we have concluded that the instant discussions of the local service carrier aspects of this domestic baggage problem appear to be in the public interest.

Under these circumstances the Board will authorize such discussions, provided that personnel from the Board's staff may attend as observers if their presence should appear necessary or appropriate.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 412 and 414 thereof,

It is ordered, That:

1. The carrier members of the Association of Local Transport Airlines and Mohawk Airlines, Inc., are authorized to engage in discussions to be held in February and March 1965 looking toward possible industrywide revisions of the currently effective baggage allowances and charges; provided, that if the Board deems it appropriate or necessary, observers from the Board's staff shall attend such discussions.

2. The Board be given adequate notice of the time and place of any discussions authorized herein by the filing of written notices with the Board's Docket Section.

3. Complete and accurate minutes shall be kept of all such discussions and a true copy thereof shall be filed with the Board's Docket Section not later than 30 days after conclusion of the discussions.

4. Any agreement or agreements reached as a result of such discussions (together with the minutes of such discussions) shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being placed in effect.

5. This order shall be served upon all domestic certificated local service and trunkline carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65–2040; Filed, Feb. 26, 1965; 8:45 a.m.]

[Docket No. 15883; Order No. E–21832]

AMERICAN AIRLINES, INC., ET AL.

Proposed Reduced Rates on Magnetic Recording Tape; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February 1965.

By tariff revision bearing a posting date of January 26, 1965, and marked to become effective March 12, 1965, United Air Lines, Inc. (United) proposes to amend its currently published specific commodity description on electronic machines and parts specifically to include magnetic recording tape. The proposed change will result in reduced rates from San Francisco to Chicago, New York, and Philadelphia. American Airlines, Inc. (American), and Trans World Airlines, Inc. (TWA), have subsequently filed, for effectiveness March 13, 1965, to meet United in these markets; in addition, American has extended the amended commodity description to apply also from San Francisco to Boston and Detroit, and from Los Angeles to Boston.

In its justification and its answer to the complaints, United declares that its proposal is warranted on the ground that magnetic recording tapes are necessary for the operation of certain electronic machines and are therefore "embraced by reference" in the present description to "parts of such electronic machines;"[1] that it is desirable specifically to include such tapes "for the convenience of tariff users;" that its proposal would not effect a reduction in rates actually charged because magnetic recording tape has for some time been transported by various carriers in the same commodity group and at the same rates as electronic machines; that the filing is therefore merely an action formalizing current carrier practice; that the magnetic recording tape involved in the instant proposal is a different commodity from the magnetic recording tape referred to in the complaints; that it is logical to group magnetic tape with electronic machines of which it is "a necessary and integral part;" that the density of magnetic tape is approximately 30 pounds per cubic foot (four times the average density of air freight shipments), and consequently involves lower costs and deserves lower rates; the current low rates for magnetic tapes have resulted in increasing traffic; that any increase in rates required by regulatory action creates the likelihood that air shippers will divert to surface transport (one shipper has already diverted his air shipments); and that the complainants have claimed no diversion because they do not participate in the carriage of magnetic tape.

American declares that its proposed extension of United's proposal to additional markets is intended to retain a uniform description in all sectors.

The Flying Tiger Line Inc. (Tiger) and The Slick Corp. have protested United's proposal, requesting investigation and suspension, primarily on the ground that the amendment of the present description is an attempt to do by subterfuge what the Board refused to permit it to do directly in its recent order suspending reduced rates proposed on magnetic tape.

Upon consideration of the complaint and other relevant matters, the Board finds that the proposed tariff revisions may be unjust, unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. Approximately 4 months ago, the Board suspended and set for investigation tariff revisions proposing reduced specific commodity rates on certain transcontinental movements of magnetic recording tape eastbound to several major midwest and eastern cities (Order E–21485, adopted Nov. 5, 1964). The foregoing proposals were first filed by United, and subsequently met by American, Tiger, and TWA. American protested United's filing, requesting investigation and suspension. In the foregoing order, the Board declared that the proposals would have effected significant reductions which had not been adequately justified by consideration either of costs or of traffic promotion. Subsequently, the carriers canceled their suspended rates, and the investigation was found moot and dismissed by Order E–21647, adopted January 6, 1965.

In their current filings, three of the four foregoing carriers (American, TWA, and United) propose tariff revisions from San Francisco to Chicago, New York, and Philadelphia that would result in rates on magnetic recording tape for shipments under 3,000 pounds either equal to or actually lower than those we suspended. We are concerned by United's allegation that the proposals do not in fact involve reductions on the ground that it has actually been carrier practice to include tape in the same commodity group as electronic machines, as herein proposed. We do not construe the commodity group description of electronic machines and parts to embrace magnetic tape and any such rating practice would appear to be a violation of the tariff.

We recognize that, with respect to shipments of 3,000 pounds and over in the foregoing markets, the carriers' proposals would result in rates that are somewhat above those previously suspended by the Board. However, the proposed rates would effect significant reductions below the rates now in effect and which are currently in effect for

[1] The present description reads "Electronic machines, n.e.s. (not elsewhere specified), namely, machines dependent upon electronic tubes for their operation when such tubes are an integral part thereof, also parts of such electronic machines." (Group No. 276 in Airline Tariff Publishers, Inc. C.A.B. No. 12.)

competing carriers on recording tape. In other markets (from San Francisco to Boston and Detroit and from Los Angeles to Boston) the proposals would also effect significant reductions below rates now in effect for the foregoing carriers and which are currently in effect for competing carriers at all weight breaks. The Board had not suspended the rates on magnetic tapes in these markets inasmuch as no proposals were before it.

The Board has carefully considered the statements presented on behalf of the proposals and finds that they do not constitute adequate justification. In view of the significant dilution of carrier revenues that might ensue from the filings, the Board has further concluded to suspend them pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and other provisions described in Appendix A below and rules, regulations or practices affecting such rates and other 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 rates and other provisions and rules, regulations, or practices affecting such rates and other provisions;

2. Pending hearing and decision by the Board, the rates and other provisions described in Appendix A below are suspended and their use deferred to and including June 9, 1965, 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 complaints of The Flying Tiger Line Inc. in Docket 15841 and The Slick Corp. in Docket 15843 are dismissed, except to the extent granted herein;

4. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., The Flying Tiger Line Inc., Trans World Airlines, Inc., The Slick Corp., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

AIRLINE TARIFF PUBLISHERS, INC., AGENT, C.A.B. NO. 12 (AGENT J. ANIELLO SERIES)

On 4th Revised Page 72-K, the portion of Commodity Group No. 561 reading "and magnetic recording tape".

The rates and provisions on Commodity Group No. 561 insofar as they are applicable to "magnetic recording tape" from and to the points and on the pages shown below:

On 134th, 135th, and 136th Revised Pages 88, from Los Angeles, Calif., to Boston, Mass.

On 106th, 107th, and 108th Revised Pages 103, from San Francisco, Calif., to Boston, Mass.

On 88th, 90th, and 91st Revised Pages 104, from San Francisco, Calif., to Chicago, Ill.

On 62d and 63d Revised Pages 104-B, from San Francisco, Calif., to Detroit, Mich.

On 89th, 91st, and 92d Revised Pages 106, from San Francisco, Calif., to New York, N.Y.

On 144th, 145th, and 146th Revised Pages 107, from San Francisco, Calif., to Philadelphia, Pa.

[F.R. Doc. 65-2071; Filed, Feb. 26, 1965; 8:47 a.m.]

[Docket No. 15861]

COMPANIA PERUANA INTERNACIONAL DE AVIACION S.A.

Notice of Prehearing Conference

Application for a foreign air carrier permit on behalf of Compania Peruana Internacional de Aviacion S.A. (COPISA) for the carriage of passengers, cargo, and mail between Iquitos, Peru-Maracaibo, Venezuela-Miami, Fla., U.S.A.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on March 4, 1965, at 10 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., February 24, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-2072; Filed, Feb. 26, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SO-1]

ATLANTIC TELECASTING CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4923) to determine its effect upon the safe and efficient utilization of navigable airspace.

Atlantic Telecasting Corp., Wilmington, N.C., proposes to construct a television antenna structure near White Lake, N.C., at latitude 34°34'32" N., longitude 78°26'13" W. The overall height of the structure would be 2,049 feet above mean sea level (AMSL) [1,994 feet above ground (AGL)]. The proposal as originally circularized and discussed in FAA's Southern Regional Airspace Meeting No. 48 specified a height of 2,125 feet AMSL (2,070 feet AGL). Subsequent to the airspace meeting, the proponent amended the structure height to that stated above.

The structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 1,494 feet.

Since the airspace meeting, an off-airway route which the structure may have affected has been cancelled. The reduced height preserves the 3,000-foot cardinal altitude.

The aeronautical study disclosed that the structure would have no adverse effect upon IFR operations.

The study also disclosed that the site would be located in a minimum activity area for VFR flying and would have a minimum effect upon aeronautical operations. Preferred VFR navigational aids such as main highways and railroads are located approximately 10 miles from the proposed site.

Further, the proponent has advised that if this structure is constructed, the existing tower located near Delco, N.C., on a much used VFR route, would be removed.

Based upon 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, and provided further that the existing structure at Delco, now in use by the proponent, will be removed.

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 February 23, 1965.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-2038; Filed, Feb. 26, 1965; 8:45 a.m.]

[OE Docket No. 65-CE-3]

MAY BROADCASTING CO. (KMTV) ET AL.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6116) to determine its effect upon the safe and efficient utilization of the navigable airspace.

May Broadcasting Co. (KMTV), Herald Corp. (KETV), and Meredith WOW, Inc., Omaha, Nebr., propose to construct three television antenna structures spaced approximately 700 feet apart at locations as follow:

1. At latitude 41°18'39" N., longitude 96°01'37" W.;

2. At latitude 41°18'32" N., longitude 96°01'32" W.;

3. At latitude 41°18'25" N., longitude 96°01'37" W., all at Omaha, Nebr. The overall height of the structures would be 2,549 feet above mean sea level (approximately 1,399 feet above ground).

A previous proposal by the proponents for a site near Millard, Nebr., was considered in Study No. 3–OE–2305. A determination of hazard was issued in this case in OE Docket No. 63–CE–9 on October 16, 1963.

The structures would be located approximately 6.1 miles west of Eppley Field and would exceed the outer horizontal surface, as defined in § 77.25(c)(1) of the Federal Aviation Regulations, as applied to this airport, by 1,066 feet.

The study disclosed that the construction of these towers would require the following increases:

1. From 3,000 feet to 3,500 feet in the minimum en route altitude (MEA) for the segment of VOR Federal airway No. (V) 181 between Omaha VORTAC and the intersection of V181 and V138 northwest of Omaha.

2. From 2,900 feet to 3,500 feet in the MEA and from 2,700 feet to 3,500 feet in the minimum obstruction clearance altitude (MOCA) on V138 between Neola VORTAC and Washington Intersection. A minor realignment of the airway westward from Neola VORTAC to provide proper spacing and maintain the MEA and MOCA at 3,000 feet could be accomplished.

3. From 2,700 feet to 2,800 feet in the MOCA on the segment of V205W between Omaha VORTAC and Blair Intersection.

4. From 2,700 feet to 2,900 feet in the holding pattern altitude at the outer marker compass locater (LOM) of the instrument landing system (ILS) for Eppley Field.

5. From 2,600 feet to 2,900 feet in the procedure turn altitude for the AL–304–ILS–RWY14 and ADF–1 instrument approach procedures.

6. From 2,700 feet to 2,900 feet in the transition altitude between the LOM and Keg Intersection for the ILS–RWY32(BC) procedure and between the Omaha VORTAC and LOM for the ILS–RWY14 and ADF–1 procedures.

7. The departure procedure shown in the AL–304 instrument approach plates would require an increase from 2,200 feet to 3,000 feet before proceeding in a westerly direction.

8. From 2,700 feet to 3,500 feet in the minimum safe altitude for the northwest quadrant from the Omaha VORTAC and the southwest quadrant from the LOM.

All of these increases or the alteration specified in item 2 could be accomplished without having a substantial adverse effect upon IFR aeronautical operations in the Omaha area.

The study further disclosed that some degree of adverse influence upon visual flight rule (VFR) aeronautical operations, by structures in this vicinity, would be unavoidable. An objection was made to the proposal on behalf of traffic utilizing one of the main north-south streets through the city as a VFR route when proceeding to the airports north of town. Such aircraft, flying over the congested area, would be expected to fly at least 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Under restricted ceiling and visibility conditions, this route may be unusable. A better VFR route is provided by the new interstate highway now under construction. This highway circumnavigates the congested area of the city to the west and north and passes approximately 1 mile from the airports north of town and approximately 2 miles from the proposed site. It provides a more appropriate route for aircraft in this area.

The collocation of the three structures in this proposal is consistent with this Agency's policy of encouraging the grouping of tall antennas wherever possible to reduce the overall effects of such structures upon the navigable airspace. Although there is no proposal before the Agency to establish an antenna farm encompassing the sites of the three antennas in this proposal, it appears the area selected would meet the requirements of an antenna farm area.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes in the Omaha area.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structures would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structures would not be hazards to air navigation provided that they are 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 February 23, 1965.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65–2039; Filed, Feb. 26, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15856, 15857; FCC 65M–225]

CHAPMAN RADIO & TELEVISION CO. AND ANNISTON BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio & Television Co., Anniston, Ala., Docket No. 15856, File No. BPCT–3317; Anniston Broadcasting Co., Anniston, Ala., Docket No. 15857, File No. BPCT–3320; for construction permit for new television broadcast station (channel 70).

It is ordered, This 23d day of February 1965, that Herbert Sharfman shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on April 28, 1965; and that a prehearing conference shall be convened at 10 a.m. on March 19, 1965; *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: February 24, 1965.

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

[F.R. Doc. 65–2063; Filed, Feb. 26, 1965; 8:47 a.m.]

[Docket No. 15668 etc.; FCC 65M–202]

CHICAGOLAND TV CO. ET AL.

Order Granting Petition

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT–3116; Warner Bros. Pictures, Inc., Chicago, Ill., Docket No. 15669, File No. BPCT–3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT–3439; for construction permit for new television broadcast station.

The Chief Hearing Examiner having under consideration a petition in behalf of the Chief of the Commission's Broadcast Bureau, filed February 12, 1965, that portions of the hearings in the above-entitled proceeding be held in Chicago, Ill., in lieu of Washington, D.C.;

It appearing, that the petition is not opposed by any of the parties to the proceeding and that all consent to the immediate consideration thereof;

It appearing further, that, by order of January 22, 1965, the Commission's Review Board added an issue to the proceeding which involves a determination of whether the program proposal of Chicagoland TV Co. "is specifically designed and would be expected to serve a specialized programming need and/or interest which is not being met by an existing station";

It appearing further, according to the Bureau Chief's allegations, that evidence relating to the programming issue aforementioned can be more effectively and efficiently adduced by convening sessions of the hearings in Chicago rather than proceeding by depositions there; and that a public hearing in the area of Chicago to determine its specialized programming needs and/or interests and whether they are being met at the present time, affords the residents of the area involved an opportunity to express themselves on these important questions;

It appearing further, that good cause is shown in support of the instant plead-

ing and that field hearings in the above-entitled proceeding are appropriate;

It is ordered, This 17th day of February 1965, that the petition is granted and that sessions of the hearings in the above-entitled proceeding shall be held in Chicago, Ill., with reference to the following issue: "To determine whether the program proposal of Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Co., is specifically designed and would be expected to serve a specialized programming need and/or interest which is not being met by an existing station."

Released: February 17, 1965.

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

[F.R. Doc. 65-2064; Filed, Feb. 26, 1965; 8:47 a.m.]

[Docket No. 12865; FCC 65M-221]

CHRONICLE PUBLISHING CO. (KRON-TV)

Order Scheduling Hearing Conference

In re application of Chronicle Publishing Co. (KRON-TV), San Francisco, Calif., Docket No. 12865, File No. BPCT-2168; for construction permit to increase antenna height.

The Commission upon reconsideration by Memorandum Opinion and Order (FCC 65-98) released February 11, 1965, granted without hearing the application of American Broadcasting-Paramount Theatres, Inc. (KGO-TV). Through this Commission action there remains only one applicant in this proceeding, namely, Chronicle Publishing Co. (KRON-TV), and therefore it is appropriate that a hearing conference should be held herein:

Accordingly, it is ordered, This 23d day of February 1965, that there will be a hearing conference on March 31, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: February 23, 1965.

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

[F.R. Doc. 65-2065; Filed, Feb. 26, 1965; 8:47 a.m.]

[Docket Nos. 15854, 15855; FCC 65M-224]

5 KW INC. AND MARIETTA BROADCASTING CO.

Order Scheduling Hearing and Prehearing Conference

In re applications of 5 KW, Inc., Marietta, Ohio, Docket No. 15854, File No. BPH-4485; William G. Wells and R. Sanford Guyer doing business as Marietta Broadcasting Co., Marietta, Ohio, Docket No. 15855, File No. BPH-4561; for construction permits.

It is ordered, This 23d day of February 1965, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on April 19, 1965; and that a prehearing conference shall be convened at 9 a.m. on March 17, 1965; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: February 24, 1965.

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

[F.R. Doc. 65-2066; Filed, Feb. 26, 1965; 8:47 a.m.]

[Docket Nos. 15677, 15678; FCC 65M-205]

WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE & TELEGRAPH CO.

Memorandum Opinion and Order Continuing Prehearing Conference

In re applications of Western California Telephone Co., Docket No. 15677, File No. 4411-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, Calif.; The Pacific Telephone & Telegraph Co., Docket No. 15678, File No. 5775-C2-P-64; for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, Calif.

1. On February 8, 1965, the applicants filed a joint petition for leave to amend the application of Western California Telephone Co. (Western). No amendment was tendered with the petition. On February 17, 1965, the Commission's Common Carrier Bureau (Bureau), the only other party to the proceeding, filed an opposition thereto.

2. At applicants' requests prehearing conference herein was continued twice because of negotiations carried on in an attempt to settle the conflict of the applications without hearing (see Hearing Examiner's Orders released December 17, 1964 (FCC 64M-1258), and January 18, 1965 (FCC 65M-63)). February 26, 1965, is the presently scheduled date for prehearing conference.

3. Western seeks amendment of its application "by changing the requested base station frequency * * * from 152.54 MC/s to 152.57 MC/s, and in other respects."

4. The joint petition, submitted pursuant to § 21.23(b)[1] of the Commission's rules, states in support that the requested amendment "will eliminate harmful interference that would result from simultaneous operations on the common base station frequency 152.54 mc/s" and that such elimination "will permit the consideration of the amended [application] by the Commission without hearing." As previously noted, no amendment was tendered with the subject joint petition.

[1] This subsection reads as follows:

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown.

5. Bureau's opposition points to the absence of showing of good cause as required by § 21.23(b) and to the absence of engineering data (electrical interference study) as to the feasibility of the changes sought and compliance with the Commission's rules as it appears that stations KMA612 and KMD984, both licensed to The Pacific Telephone & Telegraph Co., are operating cochannel (152.57 mc/s) within interference range of Western's proposed facilities. Bureau furthermore points out that: (a) Amendments seeking changes in location and changes in frequency, being major in nature, are subject to the provisions of section 309(b) of the Communications Act of 1934, as amended, and § 21.27 of the Commission's rules; (b) disposition of applications in hearing, if amended so as to require Public Notice, will be delayed; and (c) if the applicants "are satisfied that the proposed amendment will eliminate the need for a comparative hearing", return of the applications to the processing line for appropriate consideration should be requested. It is the further view of Bureau that close proximity to another station on the newly proposed frequency may involve long delays in obtaining necessary terrain data (see § 21.15(1) of the Commission's rules), if not on file, from existing carriers (within 75 miles) and thus keep solution of the comparative problem unduly in abeyance. Delays in hearing so engendered raise, in Bureau's opinion, "a substantial question of propriety" as they deny "other potential applicants and the public the use of the subject frequencies." In view of the foregoing, Bureau urges denial of the joint petition "without prejudice to a recasting of the motion to overcome the [stated] objections."

6. The Hearing Examiner shares Bureau's views as set forth hereinabove. The fact alone that no amendment was tendered with the joint petition requires its denial. The denial will, however, be without prejudice to resubmission together with the tender of an appropriate amendment. If to be resubmitted within the period to be set forth hereinafter, Western should take into consideration the nature of the objections properly advanced by Bureau.

Accordingly, it is ordered, This 17th day of February 1965, that the subject joint petition is denied without prejudice to applicants' rights to resubmit said joint petition, together with the proffer of an appropriate amendment by Western, not later than 30 days after the release of this Memorandum Opinion and Order.

It is further ordered, That the prehearing conference, presently scheduled for 11 a.m., February 26, 1965, is continued to 11 a.m., April 2, 1965.

Released: February 18, 1965.

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

[F.R. Doc. 65-2067; Filed, Feb. 26, 1965; 8:47 a.m.]

[Docket No. 15795; FCC 65M-223]

UNITED BROADCASTING CO., INC.

Order Continuing Hearing and Scheduling Prehearing Conference

In re application of United Broadcasting Co., Inc., Docket No. 15795, File No. BR-1104; for renewal of license of Station WOOK, Washington, D.C.

Agreements having tentatively been reached as reflected in the record of the prehearing conference held today in this proceeding: *It is ordered*, This 23d day of February 1965, that the hearing scheduled to commence on March 22, 1965 is hereby rescheduled for 10 a.m. on April 30, 1965 and that a further prehearing conference will be held at 10 a.m. on March 23, 1965 to consider such matters as have developed from an informal exchange of material between the parties and to make further procedural arrangements.

Released: February 24, 1965.

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

[F.R. Doc. 65-2068; Filed, Feb. 26, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND AND SEA-LAND OF CALIFORNIA, INC.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

C. H. Wheeler, Attorney for Sea-Land of California, Inc., Post Office Box 1050, Elizabeth, N.J.

Agreement No. T-1768, between the City of Oakland (Port) and Sea-Land of California, Inc. (Sea-Land) provides for a twenty (20) year nonexclusive preferential assignment to Sea-Land of Berths 8 and 9 and certain adjacent property, located in the Port area of the City of Oakland, Calif., the improvement of said property and the construction of two cranes on said property. The agreement provides that Sea-Land shall use said premises for receiving and delivering freight and parking its vehicles while awaiting shipment. The Port reserves the right to use the premises for berthing vessels, loading or discharging cargoes, and incidental operations provided such use does not unreasonably interfere with Sea-Land's operation. In the event of such secondary use by the Port, all terminal charges therefore shall accrue to the Port. Sea-Land agrees to pay to the Port all dockage, wharfage, rental of Port-owned cranes, wharf demurrage, wharf storage and all other charges which accrue under the Port's tariff, subject to a minimum annual payment of $450,000 and a maximum annual payment of $550,000. Sea-Land agrees that if it should publish a schedule of terminal charges for services it performs, all such charges shall be identical to the charges published in the Port's tariff. The Port reserves the right to adjust the minimum and maximum compensations prior to the beginning of the 5th, 10th, and 15th year of the term of the agreement. Certain of the property covered by this agreement is the subject matter of Federal Maritime Commission Agreement No. T-5, between the same parties, currently under litigation in Federal Maritime Commission Docket No. 1129. Agreement No. T-1768 provides that in the event the Commission approves Agreement No. T-5, or determines that it is not subject to its jurisdiction, the property covered by Agreement No. T-5, shall be withdrawn from the present agreement and the annual minimum and maximum payments under the present agreement shall be reduced by $147,000 per annum for each year Agreement No. T-5 remains in effect. The minimum and maximum payments in the present agreement are based upon total estimated costs of the proposed improvements and construction of the cranes. In the event that such estimated costs exceed or are less than the total estimated cost, the minimum and maximum annual payments shall be adjusted in accordance with a formula set forth in the agreement.

Dated: February 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-2061; Filed, Feb. 26, 1965; 8:46 a.m.]

PACIFIC FAR EAST LINE, INC. AND KAWASAKI KISEN KAISHA, LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. Howard C. Adams, Vice President, Pacific Far East Line, Inc., 918 16th Street NW., Washington, D.C., 20006.

Agreement 9425 between Pacific Far East Line, Inc. (initial carrier), and Kawasaki Kisen Kaisha, Ltd. (delivering carrier), covers a through billing arrangement on general cargo from ports of the initial carrier on the West Coast of the United States, with transhipment at Yokohama, Kobe, or Nagoya, Japan, to the delivering carrier for discharge at Fremantle and/or other ports in Western Australia. This agreement provides for the apportionment of transhipment expenses stated in percentages in accordance with the terms and conditions set forth therein.

Dated: February 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-2062; Filed, Feb. 26, 1965; 8:46 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreeement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic and Gulf Freight Conference, Kindai Bldg., 11, 3-Chome Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 3103–26 between the member lines of the Japan-Atlantic and Gulf Freight Conference modifies Articles 10 and 25 of the basic conference agreement. The affected articles govern the method by which the conference polices the obligations of its member lines. The stated purpose of the modification is to achieve optimum clarity, effectiveness and fairness by making certain additions to and changes in the language of Articles 10(a); 25(a) (2), (3) and (4); 25(b) (1) and (3); and 25(f) (1), (3), (4), and (5) as set forth therein.

Dated: February 26, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–2179; Filed, Feb. 26, 1965; 11:01 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Bldg., 11, 3-Chome Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 150–29 between the member lines of the Trans-Pacific Freight Conference of Japan modifies Articles 10 and 25 of the basic conference agreement. The affected articles govern the method by which the conference polices the obligations of its member lines. The stated purpose of the modification is to achieve optimum clarity, effectiveness and fairness by making certain additions to and changes in the language of Articles 10 (a); 25(a) (2), (3), and (4); 25(b) (1) and (3); 25(f) (1), (3), (4), and (5) as set forth therein.

Dated: February 26, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–2180; Filed, Feb. 26, 1965; 11:01 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811–233]

SECURITIES CORPORATION GENERAL

Notice of Application for Order Declaring Company Has Ceased To Be an Investment Company

FEBRUARY 23, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Securities Corporation General, Suite 2912, 70 Pine Street, New York 5, N.Y. ("applicant"), a Virginia corporation and a closed-end, nondiversified, management investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant filed a notification of registration on Form N–8A pursuant to section 8(a) of the Act on November 1, 1940. Applicant was organized on February 21, 1912 under the laws of the Commonwealth of Virginia. On September 13, 1962 at a special meeting of stockholders, a Plan of Complete Dissolution and Liquidation ("Plan") was approved by more than a two-thirds vote. The Plan provided that (i) all creditors were to be paid in full; (ii) the liquidation preference of the Preferred Stock, amounting to par plus dividends accrued to September 30, 1962 (the date of the final dividend accrual) were to be paid in full, and (iii) the holders of Common Stock were to receive an initial liquidating dividend of four-tenths of a share of Dynamics Corp. of America for each share of applicant's Common Stock outstanding. All other securities held by the applicant were to be sold and the proceeds, if any, remaining after payment of all obligations were to be distributed to applicant's shareholders no later than September 13, 1963. After the 1-year period of liquidation the balance of any funds on hand was to be deposited with the Marine Midland Trust Co. of New York to be held for such period of time as might be necessary under the statute of limitations to bar later claims, after which any remaining funds were to escheat. On October 29, 1962, 85 percent of the applicant's Preferred Stock and 95 percent of the applicant's Common Stock had been tendered to applicant pursuant to the approved Plan.

By letter dated January 22, 1965, the State Corporation Commission of the Commonwealth of Virginia advised the Commission that the applicant had been dissolved on August 5, 1963, having represented that all debts, taxes, obligations and liabilities had been paid and discharged (or adequate provision made therefor) and all remaining assets had been distributed to shareholders in accordance with their respective rights and interests.

Notice is further given that any interested person may, not later than March 12, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–2041; Filed, Feb. 26, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65–506, etc.]

HARPER OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 18, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 1, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-506	Harper Oil Co. (Operator), et al., 904 Hightower Bldg., Oklahoma City, Okla. Attn: Mr. Jack Duncan.	2	3	El Paso Natural Gas Co. (Drinkhard Field, Lea County, N. Mex.) (Permian Basin Area).	$1,710	1-28-65	[2] 3-1-65	8-1-65	[3] 15.5599	[3] [4] 16.6050	RI60-309.
RI65-507	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	8	9	Natural Gas Pipeline Co. of America (Camrie Field, Texas County, Okla.) (Panhandle Area).	170	1-21-65	[2] 3-21-65	8-21-65	[5] 17.6	[3] [6] 17.8	RI64-610.
	Edwin L. Cox	15	9	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	171	1-21-65	[2] 3-21-65	8-21-65	17.4	[3] 17.6	RI64-610.
RI65-508	Edwin L. Cox (Operator), et al.	19	7	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area).	48	1-21-65	[2] 3-21-65	8-21-65	[5] 17.6	[3] [6] 17.8	RI64-611.
RI65-509	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	85	5	Colorado Interstate Gas Co. (Keyes Field, Texas County, Okla.) (Panhandle Area).	32,649	1-26-65	[2] 2-26-65	7-26-65	[3] 15.0	[4] [7] 17.0	
RI65-510	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans., 67202.	15	3	Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).	1,151	1-25-65	[2] 2-25-65	7-25-65	[8] 12.5	[3] [6] 13.5	RI60-404.
RI65-511	Walters Drilling Co. (Operator), et al., 510 Orpheum Bldg., Wichita, Kans., 67202.	1	2	Cities Service Gas Co. (Northwest Sharon Field, Barber County, Kans.).	1,500	1-25-65	[8] 2-25-65	7-25-65	[8] 13.0	[4] [7] 14.0	RI62-322.
RI65-512	Bonray Oil Co., 1361 First National Bldg., Oklahoma City 2, Okla.	1	5	Cities Service Gas Co. (Leisure Lease, Eureka Field, Grant County, Okla.) (Oklahoma "Other" Area).	1,000	1-25-65	[8] 2-25-65	7-25-65	[8] [10] 13.0	[3] [6] [10] 14.0	RI61-185.
RI65-513	Bonray Oil Co. (Operator), et al.	2	1	Cities Service Gas Co. (Horning Lease, West Mount Zion Field, Grant County, Okla.) (Oklahoma "Other" Area).	3,000	1-25-65	[8] 2-25-65	7-25-65	[8] [11] 13.0	[3] [6] [11] 14.0	
	do	3	2	Cities Service Gas Co. (Ransom Lease, West Mount Zion Field, Grant County, Okla.) (Oklahoma "Other" Area).	200	1-25-65	[8] 2-25-65	7-25-65	[8] [11] 13.0	[3] [6] [11] 14.0	
RI65-514	Helmerich & Payne, Inc. (Operator), et al., 21st at Utica, Tulsa, Okla.	24	3	Cities Service Gas Co. (Northeast Clyde Field, Grant County, Okla.) (Oklahoma "Other" Area).	4,468	1-25-65	[8] 2-25-65	7-25-65	[8] 13.0	[3] [6] 14.0	G-2055.
RI65-515	Helmerich & Payne, Inc. et al.	36	5	do	1,696	1-25-65	[8] 2-25-65	7-25-65	[8] 12.0	[4] [12] 14.0	
RI65-516	Fred W. Shield, 1442 Milam Bldg., San Antonio, Tex., 78205.	8	5	Trunkline Gas Co. (Heard Ranch Field, Bee County, Tex.) (R.R. District No. 2).	12,171	1-28-65	[8] 2-28-65	7-28-65	[13] [14] 14.6	[3] [6] 15.6	
RI65-517	Standard Oil Co. of Texas, a Division of California Oil Co., Post Office Box 1249, Houston, Tex., 77001.	31	2	Transcontinental Gas Pipe Line Corp. (Washburn Ranch Area, LaSalle County, Tex.; Henry, South Tilden, and Southeast Dilworth Area, McMullen County, Tex.) (R.R. District No. 1).	26,307 7,657	2-1-65	[2] 3-4-65	8-4-65	[15] 14.189 [16] 13.68225	[3] [6] 15.2025 14.69575	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to reduction of 0.4467 cent per Mcf for compression of low pressure gas (below 600 p.s.i.g.).
[6] Subject to downward B.t.u. adjustment.
[7] Renegotiated rate increase.
[8] Subject to upward and downward B.t.u. adjustment.
[9] The stated effective date is the first day after expiration of the required statutory notice.
[10] Includes 0.75 cent per Mcf deducted by buyer for dehydration and 1.5 cents per Mcf deducted by buyer for compression.
[11] Includes 0.75 cent per Mcf deducted by buyer for dehydration.
[12] Two-step periodic rate increase.
[13] Settlement price per order issued Mar. 10, 1961.
[14] Settlement Offer approved after Second Amendment to Commission's Statement of General Policy No. 61-1 was issued.
[15] For sales of gas produced in McMullen County.
[16] For sales of gas produced in LaSalle County.

Lario Oil & Gas Co. requests that its proposed increased rate be permitted to become effective as of February 1, 1965; Walters Drilling Co. (Operator), et al., request an effective date of February 23, 1965; Bonray Oil Co., Bonray Oil Co. (Operator), et al., and Fred W. Shield request an effective date of January 1, 1965, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, Sec. 2.56).

[F.R. Doc. 65-1975; Filed, Feb. 26, 1965; 8:45 a.m.]

[Docket No. RI65-502, etc.]

R & G DRILLING CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

FEBRUARY 18, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 1, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-502	R&G Drilling Co., Inc. (Operator), et al., 12 West 72d St., New York, N.Y., 10023. Attn: Mr. William C. Russell.	2	7	El Paso Natural Gas Co. (Basin-Dakota and Blanco-Mesa Verde Fields, San Juan County, N. Mex.) (San Juan Basin Area).	$500	1-21-65	[3] 2-21-65	[3] 2-22-65	[6] 14.0	[4][6][7] 14.2500	RI65-204.
RI65-503	Lario Oil & Gas Co., 301 South Market St., Wichita, Kans., 67202.	18	1	Colorado Interstate Gas Co. (Hugoton Field, Seward County, Kans.).	257	1-25-65	[3] 2-25-65	[3] 2-26-65	[10] 12.5	[8][10] 13.5	
	Lario Oil & Gas Co.	17	2	Cities Service Gas Co. (Ils. Southwest Field, Barber County, Kans.).	5,282	1-25-65	[3] 2-25-65	[3] 2-26-65	[10] 13.0	[8][10] 14.0	
RI65-504	D. W. Skinner (Operator), et al., Post Office Box 125, Medicine Lodge, Kans.	3	1	Cities Service Gas Co. (Boggs Field, Barber County, Kans.).	480	1-25-65	[11] 2-25-65	[3] 2-26-65	[10] 13.0	[8][10] 14.0	
RI65-505	Bonray Oil Co. (Operator), et al., 1361 First National Bldg., Oklahoma City 2, Okla.	4	1	Cities Service Gas Co. (Coulter Lease, West Mount Zion Field, Grant County, Okla.) (Oklahoma "Other" Area).	1,000	1-25-65	[3] 2-25-65	[3] 2-26-65	[10][12] 13.0	[8][10][12] 14.0	

[3] The stated effective date is the 1st day after expiration of the required statutory notice.
[4] The suspension period is limited to 1 day.
[6] Tax reimbursement rate increase. (Tax reimbursement computed on base rate of 13.0 cents per Mcf exclusive of 1.0 cent per Mcf minimum guarantee for liquids.)
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[9] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax, which was protested by El Paso Natural Gas Co. by letter dated January 28, 1965.
[8] Periodic rate increase.
[8] Pressure base is 14.65 p.s.i.a.
[10] Subject to a downward B.t.u. adjustment.
[11] The stated effective date is the effective date requested by Respondent.
[12] Includes 0.75 cent per Mcf deducted by buyer for dehydration.

R&G Drilling Co., Inc. (Operator), et al. (R&G), and Lario Oil & Gas Co. (Lario) request that their proposed rate increases be permitted to become effective as of February 1, 1965. Bonray Oil Co. (Operator), et al. (Bonray), request an effective date of January 1, 1965, for their proposed rate increase. Good cause has not been shown for waiving the 90-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The rate increase filed by R&G includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest with respect to the tax reimbursement portion of this rate increase. El Paso questions the right of R&G under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein for R&G's rate filing shall concern itself with the contractual basis as well as the statutory lawfulness of R&G's proposed increased rate which El Paso has or will protest. Since the increase reflects tax reimbursement, the suspension period may be shortened to one day from February 21, 1965, the date of expiration of the statutory notice.

The contracts related to the rate filings of Lario, D. W. Skinner (Operator), et al., and Bonray were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable area ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. In this situation, we believe that these producers' rate increases should be suspended for 1 day from the date shown in the effective date column.

The proposed increased rates and charges exceed the applicable price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, Sec. 2.56).

[F.R. Doc. 65-1977; Filed, Feb. 26, 1965; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

REGIONAL ADMINISTRATOR, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Certain Claims Held by Secretary of Interior Under Alaska Public Works Act

The Regional Administrator, Region VI (San Francisco), Housing and Home Finance Agency, in carrying out the functions of the Secretary of the Interior under section 5 of the Alaska Public Works Act, as amended (63 Stat. 628, as amended, particularly by Public Law 88–229; 48 U.S.C. 486c), is hereby authorized:

1. To collect, compromise, or release any claim against or obligation of an Alaska public body held by the Secretary of the Interior in connection with a Federal agreement providing public works for such public body.

2. To redelegate to the Director for Northwest Operations, Region VI, at Seattle, Wash., any of the authority herein redelegated.

(Delegation of authority from Secretary of Interior to Housing and Home Finance Administrator effective April 17, 1964 (29 F.R. 5516, April 24, 1964))

Effective as of the 1st day of February 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65–2049; Filed, Feb. 26, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 504]

ALABAMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Pickens County in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about February 11, 1965.

OFFICE

Small Business Administration Regional Office, 2030 First Avenue North, Birmingham, Ala., 35203.

2. A temporary office will be established in Aliceville, Ala., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1965.

Dated: February 16, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65–2022; Filed, Feb. 26, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

SPECIFICATION OF TYPES OF CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY THE FINANCE REVIEW BOARD

It appearing, that Item 7.6(d) of the Organization Minutes of the Commission (26 F.R. 4773, 10991, and 12789) delegates to the Finance Review Board authority to determine matters in proceedings under the provisions of law set forth in Item 4.4 thereof in cases or types of cases specified from time to time by the Chairman of Division 3 of the Commission, which have involved (other than by the board) the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits:

It is ordered, That the following types of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits, are specified in respect of which determinations may be made by the said Finance Review Board:

(a) Proceedings under section 1 (18) to (20), inclusive, relating to certificates of public convenience and necessity;

(b) Proceedings under section 5(2) involving (1) acquisition by a carrier by railroad of trackage rights over, or joint ownership in or joint use of, any railroad line or lines owned by any other such carrier, (2) transactions which do not involve any carrier whose operating revenues, in the last calendar year for which data are contained in the record, exceed $1 million, or (3) other transactions which the Chairman of Division 3 finds to involve no issue requiring disposition by Division 3 and designates for disposition by said board;

(c) Proceedings under sections 207 and 209 directly related to proceedings specified in paragraph (b) above;

(d) Proceedings under section 20A (2) to (4), inclusive, and section 214, relating to securities;

(e) Proceedings under sections 212(b), 312, and 410(g), relating to the transfer of certificates and permits;

Provided, however, That the aforesaid specification shall be effective in respect to particular cases of the classes named on and after the date of service of a recommended order of a hearing examiner or joint board, in such a case, or the effective date of this order, whichever date is later: *And provided further*, That this specification shall not apply to (a) cases which on the effective date hereof are under active consideration by Division 3, or (b) any case which has been consolidated for the purpose of an examiner's report and recommended order with a case not delegated to the said board.

It is further ordered, That this order supersedes the order entered herein on December 20, 1961, as of the effective date hereof, which prior order shall nevertheless remain in effect as to disposition of cases heretofore designated to said board.

And it is further ordered, That this order shall be effective on March 1, 1965.

Dated at Washington, D.C., this 19th day of February A.D. 1965.

By the Commission, Commissioner Tuggle.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–2058; Filed, Feb. 26, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 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. 39594—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 309), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—29th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39595—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 310), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—21st revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39596—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 311), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—21st revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39597—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 312), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—23d revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39598—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 313), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—29th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39599—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 314), for interested carriers. Rates on various commodities moving on class rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—29th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39600—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 315), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—21st revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39601—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 316), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—29th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39602—*Lumber and Related Articles From Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B–8694), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory, to points in Illinois, Minnesota, and Wisconsin on the Soo Line Railroad.

Grounds for relief—Carrier competition.

Tariff—Supplement 173 to Southwestern Freight Bureau, agent, tariff I.C.C. 4262.

FSA No. 39603—*Cement to points in Minnesota and North Dakota.* Filed by Western Trunk Line Committee, agent (No. A–2392), for interested rail carriers. Rates on cement, hydraulic, masonry, natural or Portland, in carloads, from points in western trunk-line territory, to points in Minnesota and North Dakota.

Grounds for relief—Market competition.

Tariff—Supplement 164 to Western Trunk Line Committee, agent, tariff I.C.C. A–4308.

FSA No. 39604—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 108), for interested carriers. Rates on various commodities moving on less-than-truckload, any quantity and volume rates, over joint routes of applicant rail and motor carriers, between points in southern territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 33 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1252.

By the Commission.

[SEAL] BERTHA P. ARMES,
Acting Secretary.

[F.R. Doc. 65–2059; Filed, Feb. 26, 1965; 8:46 a.m.]

[Notice No. 1130]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67049. By order of February 17, 1965, the Transfer Board approved the transfer to Jack H. Dwenger, Inc., Weatherford, Tex., of certificates in Nos. MC–118089 and MC–118089 (Sub-No. 2), issued August 4, 1961, and August 28, 1962, respectively, to Jack Dwenger, Weatherford, Tex., authorizing the transportation of: Bananas, from Galveston, Tex., to points in Texas, Roswell, N. Mex., Phoenix, Ariz., and Denver, Colo., and, from New Orleans La., to points in Texas, and from Houston, Tex., to Abilene, Dallas, Fort Worth, Longview, Lubbock, and Amarillo, Tex. Edgar J. Nash, Seaberry Building, Weatherford, Tex., attorney for applicants.

No. MC–FC–67559. By order of February 17, 1965, the Transfer Board approved the transfer of Certificate of Registration No. MC–97942 (Sub-No. 1), issued December 31, 1963, evidencing the right of the holder thereof to engage in interstate or foreign commerce corresponding in scope to the service authorized by irregular route common carrier Certificate No. 7027, dated January 31, 1958, issued by the Massachusetts Department of Public Utilities, from Edmund B. Fraser, doing business as E. B. Fraser & Sons, Belmont, Mass., to Edmund B. Fraser, Jr., doing business as E. B. Fraser & Sons, Belmont, Mass. Mary E. Kelley, 10 Tremont Street, Boston, Mass., attorney for applicants.

No. MC–FC–67560. By order of February 17, 1965, the Transfer Board approved the transfer to Rogers Moving Co., Inc., 5428 Center Street, Baileys Cross Roads, Fairfax County, Va., of the operating rights issued by the Commission August 1, 1955, under Certificate No. MC–60655, to Millard Gray Wyant, doing business as Old Dominion Movers, 6404 Columbia Pike, Falls Church, Va., authorizing the transportation over irregular routes, of household goods, as defined by the Commission, between points in Shenandoah, Page, Warren, and Rockingham Counties, Va., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, and those in Maryland, Pennsylvania, New Jersey, West Virginia, and the District of Columbia; between Herndon, Va., and points in Virginia within 50 miles of Herndon, on the one hand, and, on the other, Washington, D.C., and Baltimore, Md.

No. MC–FC–67564. By order of February 17, 1965, the Transfer Board approved the transfer to Barredo Limousine, Inc., Westbrook, Conn., of Certifi-

cate No. MC–124286 issued November 28, 1962, to Raymond J. Barredo, Westbrook, Conn., authorizing the transportation of passengers and their baggage, in special operations, in nonscheduled door-to-door service, limited to the transportation of not more than six passengers in any one vehicle, including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, over irregular routes, between Westbrook and Old Saybrook, on the one hand, and, on the other, New York, N.Y., and points in Westchester, Rockland, and Nassau Counties, N.Y., and points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC–67568. By order of February 17, 1965, the Transfer Board approved the transfer to Transport Van Lines, Inc., Lincoln, Nebr., of Certificate No. MC–44865, issued January 13, 1943, to H. J. Fromholz and R. L. Fromholz, a partnership, doing business as H. J. Fromholz & Son, 1406 West Sixth Street, Ashland, Wis., authorizing the transportation of household goods, over irregular routes, between points in Wisconsin, Minnesota, and the Upper Peninsula of Michigan. Robert D. Zimmerman, 223 Liberty Life Building, Lincoln, Nebr., representative for transferee.

No. MC–FC–67573. By order of February 17, 1965, the Transfer Board approved the transfer to Johnson Transfer & Storage Co., a corporation, Streator, Ill., of Certificates Nos. MC–72892 and MC–72892 (Sub-No. 1), issued January 13, 1945, and October 25, 1946, respectively to Bessie Scheidt (Purcell), doing business as Johnson Transfer & Storage Co., Streator, Ill., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Streator, Ill.; between Streator, Ill., on the one hand, and, on the other, points in Illinois within 35 miles of Streator; and household goods, over irregular routes, between Streator, Ill., and points within 15 miles of Streator, on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin; and between points in Illinois, except Streator, Ill., and points within 15 miles of Streator and points in the Chicago Commercial Zone, as defined by the Commission in Chicago, Ill., Commercial Zone, 1 M.C.C. 673, on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Raymond L. Terrell, 804 Myers Building, Springfield, Ill., attorney for applicants.

No. MC–FC–67574. By order of February 17, 1965, the Transfer Board approved the transfer to Charles Tuzzolino, doing business as C. Tuzzi, Brooklyn, N.Y., of Certificate No. MC–89377, issued February 19, 1963, to Joseph Eletto Transfer, Inc., Valley Stream, N.Y., authorizing the transportation of new furniture, over irregular routes, from New York N.Y., to points in that part of New Jersey and New York within 35 miles of New York, N.Y., with no transportation for compensation on return except as otherwise authorized. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC–FC–67575. By order of February 23, 1965, the Transfer Board approved the transfer to S&C Corporation, doing business as Piedmont Tours, Piedmont, S.C., of License No. MC–12169 issued April 12, 1963 to S&C Corporation, West Columbia, S.C., authorizing the brokerage operations in connection with passengers and their baggage, between points in South Carolina, on the one hand, and, on the other points in the United States (except Alaska and Hawaii). Charles B. Bowen, 14 Beattie Place, Post Office Box 445, Greenville, S.C., attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–2060; Filed, Feb. 26, 1965; 8:46 a.m.]

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