FEDERAL REGISTER

VOLUME 30 • NUMBER 49

Saturday, March 13, 1965 • Washington, D.C.

Pages 3367–3411

Agencies in this issue—

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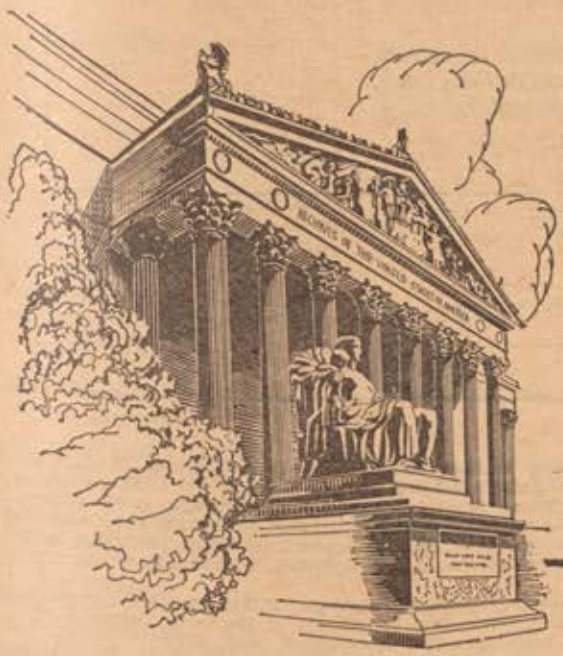

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CODE OF FEDERAL REGULATIONS

(As of January 1, 1965)

The following supplements are now available:

Title 7—Agriculture (Parts 210–399) $0.65

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Department of the Army (Procurement)

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Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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List of CFR Parts Affected

(Codification Guide)

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

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

Rules and Regulations

Title 7—AGRICULTURE

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

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

Subpart—United States Standards for Grades of American (Eastern Type) Bunch Grapes [1]

On January 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 842) regarding a proposed revision of United States Standards for Grades of American (Eastern Type) Bunch Grapes (§§ 51.3610–51.3624).

Statement of considerations leading to the revision of the grade standards. The existing U.S. Standards for American (Eastern Type) Bunch Grapes have been in effect since July 19, 1943 and have not been codified.

In addition to codification, the revision includes more precise definitions of "damage" and "serious damage". The revision does not change the scoring of any specific defect but will provide more uniform terminology in line with recently issued standards.

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

Sec.

GRADES

51.3610 U.S. Fancy Table Grapes.
51.3611 U.S. No. 1 Table Grapes.
51.3612 U.S. No. 1 Juice Grapes.

UNCLASSIFIED

51.3613 Unclassified.

APPLICATION OF TOLERANCES

51.3614 Application of tolerances.

DEFINITIONS

51.3615 Mature.
51.3616 Firm.
51.3617 Well colored.
51.3618 Fairly well colored.
51.3619 Shattered.
51.3620 Compact.
51.3621 Fairly compact.
51.3622 Damage.
51.3623 Serious damage.
51.3624 Straggly.

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

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

GRADES

§ 51.3610 U.S. Fancy Table Grapes.

"U.S. Fancy Table Grapes" consists of bunches of grapes of one variety (except when designated as assorted varieties) which are mature and well colored. The berries are firm, firmly attached to capstems, and are not split, shattered, crushed, dried or wet, and are free from decay, mold, mildew, berry moth, russeting and hail, and from damage caused by freezing, disease, insects, or other means.

(a) *Bunches.* At least 50 percent of the bunches in each container are compact, the remainder fairly compact. They are not excessively small, except that compact portions of bunches consisting of not less than five berries may be used to fill open spaces between whole bunches.

(b) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of dried berries, on each bunch of the Concord, Worden, Champion and other varieties of similar size shall have a minimum diameter of $\frac{9}{10}$ of an inch.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are permitted:

(1) 5 percent for bunches in any lot which are straggly;

(2) 10 percent for bunches in any lot which fail to meet the requirement for minimum diameter of berries; and

(3) 10 percent for bunches and berries in any lot which fail to meet the remaining requirements of this grade, including therein not more than one-half of this amount, or 5 percent, for berries which are seriously damaged: *Provided,* That included in this latter amount not more than 1 percent may be permitted for berries affected by mold or decay, and not more than 2 percent for dried berries or those affected by berry moth.

§ 51.3611 U.S. No. 1 Table Grapes.

"U.S. No. 1 Table Grapes" consists of bunches of grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries are firm, firmly attached to capstems, and are not split, shattered, crushed, dried or wet, and are free from decay, mold and berry moth, and from damage caused by freezing, russeting, hail, mildew, other disease, insects, or other means.

(a) *Bunches.* At least 85 percent of the bunches in each container are fairly compact.

(b) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of dried berries, on each bunch of the Concord, Worden, Champion and other varieties of similar size shall have a minimum diameter of $\frac{9}{16}$ of an inch.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are permitted:

(1) 10 percent for bunches in any lot which fail to meet the requirement for minimum diameter of berries; and

(2) 10 percent for bunches and berries in any lot which fail to meet the remaining requirements of this grade, including therein not more than one-half of this amount, or 5 percent, for berries which are seriously damaged: *Provided,* That included in this latter amount not more than 2 percent may be permitted for berries affected by mold or decay and not more than 2 percent for dried berries or those affected by berry moth.

§ 51.3612 U.S. No. 1 Juice Grapes.

"U.S. No. 1 Juice Grapes" consists of bunches of grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries are firm, firmly attached to capstems, and are not split, shattered, crushed, dried or wet, and are free from mold, decay and berry moth, and from serious damage caused by freezing, russeting, hail, mildew, other disease, insects, or other means.

(a) *Bunches.* At least 60 percent of the bunches in each container are fairly compact.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than 15 percent, by weight, of the bunches and berries in any lot may fail to meet the requirements of this grade, including therein not more than 6 percent for berries which are seriously damaged: *Provided,* That included in this latter amount not more than 3 percent may be permitted for berries affected by mold or decay, and not more than 2 percent for dried berries or those affected by berry moth.

UNCLASSIFIED

§ 51.3613 Unclassified.

"Unclassified" consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.3614 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For a tolerance of 10 percent or more individual packages may contain not more than one and one-half times the specified tolerance, and for a tolerance of less than 10 percent individual packages may contain not more than double the specified tolerance: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3615 Mature.

"Mature" means that the grapes are juicy, palatable, and have reached that stage of development at which the skin of the berry easily separates from the pulp. Frozen or slightly frosted stock is not to be confused with mature stock.

§ 51.3616 Firm.

"Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.3617 Well colored.

"Well colored" means that the berries show full color characteristic of the variety.

§ 51.3618 Fairly well colored.

"Fairly well colored" means that not less than 75 percent, by weight, of the berries show full color characteristic of the variety; 25 percent of the berries may be partially or poorly colored but not characteristic of immature berries.

§ 51.3619 Shattered.

"Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.3620 Compact.

"Compact" means that the bunches are well filled and have no open spaces.

§ 51.3621 Fairly compact.

"Fairly compact" means that the bunches are well filled but that the berries are not closely spaced as in "compact" bunches.

§ 51.3622 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of this defect, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the individual berry or the bunch as a whole. The following specific defect shall be considered as damage:

(a) Mildew when detracting from the appearance of the individual berry or the bunch as a whole. Berries on the inside of the bunch which show only slight traces of mildew are not considered as damaged.

§ 51.3623 Serious damage.

"Serious damage" means any defect, or any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the individual berry or the bunch as a whole.

§ 51.3624 Straggly.

"Straggly" means that the bunches are decidedly open with large open spaces and very few berries. Small immature shot berries, characteristic of the Worden variety, should be disregarded unless they are excessive in number and detract materially from the appearance.

The United States Standards for Grades of American (Eastern Type) Bunch Grapes contained in this subpart shall become effective April 15, 1965, and will thereupon supersede the United States Standards for American (Eastern Type) Bunch Grapes which have been in effect since July 19, 1943.

Dated: March 10, 1965.

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

[F.R. Doc. 65-2582; Filed, Mar. 12, 1965; 8:46 a.m.]

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

[Navel Orange Reg. 77]

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

Limitation of Handling

§ 907.377 Navel Orange Regulation 77.

(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 March 11, 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., March 14, 1965, and ending at 12:01 a.m., P.s.t., March 21, 1965, are hereby fixed as follows:

(i) District 1: 800,000 cartons;
(ii) District 2: 650,000 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: March 12, 1965.

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

[F.R. Doc. 65-2705; Filed, Mar. 12, 1965; 11:14 a.m.]

[Valencia Orange Reg. 109]

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

Limitation of Handling

§ 908.409 Valencia Orange Regulation 109.

(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 March 11, 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., March 14, 1965, and ending at 12:01 a.m., P.s.t., March 21, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 85,990 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: March 12, 1965.

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

[F.R. Doc. 65-2706; Filed, Mar. 12, 1965; 11:14 a.m.]

[Lemon Reg. 152]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.452 Lemon Regulation 152.

(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 March 9, 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., March 14, 1965, and ending at 12:01 a.m., P.s.t., March 21, 1965, are hereby fixed as follows:

(i) District 1: 13,950 cartons;
(ii) District 2: 199,950 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: March 11, 1965.

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

[F.R. Doc. 65-2649; Filed, Mar. 12, 1965; 8:50 a.m.]

[Lime Reg. 17]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size

§ 911.319 Lime Regulation 17.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes 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 Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, 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) in that, as hereinafter set forth, 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 not later than March 15, 1965. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 16 (30 F.R. 2207) and are subject thereunder to quality and size restrictions; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to March 15, 1965, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on March 10, 1965, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; 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) Lime Regulation 16 (30 F.R. 2207) is hereby terminated at 12:01 a.m., e.s.t., March 15, 1965.

(2) During the period beginning at 12:01 a.m., e.s.t., March 15, 1965, and

ending at 12:01 a.m., e.s.t., April 22, 1965, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Turning, with not less than 60 percent, by count, of such limes in each container thereof grade at least U.S. No. 1, Turning, and the remainder thereof grading at least U.S. No. 2, Turning; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1¾ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

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

Dated: March 11, 1965.

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

[F.R. Doc. 65-2673; Filed, Mar. 12, 1965; 8:50 a.m.]

[Lime Reg. 2, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.201 (Lime Regulation 2; 29 F.R. 8160, 29 F.R. 9320, 11706) are hereby amended to read as follows:

§ 944.201 Lime Regulation 2.

(a) On and after 12:01 a.m., e.s.t., March 15, 1965, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Turning, with not less than 60 percent, by count, of the limes in each container thereof grading not less than U.S. No. 1, Turning, and the remainder thereof grading not less than U.S. No. 2, Turning; and

(3) Such limes of the group known as large fruited or Persian limes (including Hahiti, Bearss, and similar varieties) are of a size not smaller than 1¾ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 17 (§ 911.319), which becomes effective March 15, 1965; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of Persian limes.

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

Dated: March 11, 1965.

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

[F.R. Doc. 65-2707; Filed, Mar. 12, 1965; 11:14 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

Promethium 147; Exemption for Auto Lock Illuminators and General License for Aircraft Safety Devices

On May 20, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 6562) certain proposed amendments of its regulation "Licensing of Byproduct Material", 10 CFR Part 30.

The then proposed amendments would have extended the current exemptions for tritium-activated timepieces or hands or dials and automobile lock illuminators installed in automobile locks, set forth in §§ 30.10 and 30.12, 10 CFR Part 30, to include units activated by promethium 147.

The exemptions as proposed would not have applied to the manufacture or import of these units. Specific licenses for such manufacture or import would have been issued by the Commission under § 30.24 (i) and (m), 10 CFR Part 30. The proposed amendments would have revised these paragraphs, which now relate only to tritium, to include promethium 147; would have imposed specific limitations on the quantities of promethium 147 to be applied to the exempted items; and would have limited the maximum levels of radiation from such items.

The proposed amendments would also extend the general license of § 30.21(d), 10 CFR Part 30, which presently covers only tritium-activated luminous aircraft safety devices, to include promethium 147-activated devices under specified conditions. Among the units in which the use of promethium 147 would be generally licensed are self-luminous devices used in emergency exit signs, aircraft switch knobs or plungers, and control locators. Regulatory control over the manufacture and import of these devices would be exercised in accordance with the specific licensing procedures in § 30.24(j), 10 CFR Part 30, which would be amended to impose specific limitations on the quantity of promethium 147 which may be used in each device and limitations on radiation levels from each device. The Commission has determined that luminous safety devices for use in aircraft are not products intended for use by the general public. Accordingly, § 30.21(d) would be further amended to provide that the general license granted therein would also apply if these devices, whether activated by tritium or promethium 147, are manufactured in accordance with a specific license from an agreement State[1] which authorizes distribution to persons generally licensed by the agreement State.

In publishing the proposed amendments for comment, the Commission presented the advantages of promethium 147 over tritium claimed by the petitioner, as well as estimates of radiation doses to be expected from the proposed uses of promethium 147. The Commission concluded that, although the doses from promethium may be larger than those expected from the use of tritium, they would be only small fractions of recommended permissible exposures.

Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within sixty days after publication. Of the comments received, several opposed the proposed amendments on the ground that possible advantages of promethium 147 over tritium for the proposed uses would not appear to justify the additional exposure of the population to radiation that would be expected to occur. Some comments also questioned the advantages claimed by the petitioner. Comments endorsing the proposed amendments were less specific but implied the judgment that advantages in the use of promethium 147

[1] A State to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

might be expected to outweigh resultant exposures to radiation.

After consideration of the comments and other factors involved, the Commission has decided not to exempt from licensing at this time the use of promethium 147 in timepieces or to provide specific licensing criteria for manufacture of such timepieces. However, the Commission has decided to adopt the amendments to §§ 30.12, 30.21(d) and 30.24 (j) and (m), covering lock illuminators and aircraft safety devices, in the form published in the notice of proposed rule making without change. The Commission has found that, under the conditions specified in the amendments, the exemption of promethium 147 in lock illuminators will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public. The Commission has also determined that automobile lock illuminators containing promethium 147 are products intended for use by the general public. Accordingly, pursuant to § 150.15 (a)(6), 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," the transfer of their possession or control by the manufacturer, processor or producer is subject to the Commission's licensing and regulatory authority, even though they are manufactured pursuant to an agreement State license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 30, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Section 30.12 is revised to read as follows:

§ 30.12 Lock illuminators installed in automobile locks.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Part 20 of this chapter and this part to the extent that he receives, possesses, uses, transfers, exports, owns or acquires lock illuminators each containing not more than 15 millicuries of tritium or 2 millicuries of promethium 147 installed in an automobile lock. The manufacture, installation into automobile locks, or importation for sale or distribution of lock illuminators whether or not installed in automobile locks, is not included in this exemption, but may be authorized by a specific license under the provisions of this part.

2. In § 30.21(d), subparagraphs (1), (3), and (4) are revised and subparagraph (5) added, to read as follows:

§ 30.21 General licenses.

* * * * *

(d)(1) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium 147 contained in luminous safety devices for use in aircraft, provided each device contains not more than four curies of tritium or 100 millicuries of promethium 147 and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 30.24(j) or manufactured or assembled in accordance with a specific license issued by an agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the agreement State.

* * * * *

(3) This general license does not authorize the manufacture, assembly, repair or import of luminous safety devices containing tritium or promethium 147.

(4) This general license does not authorize the export of luminous safety devices containing tritium or promethium 147 except in accordance with the provisions of § 30.33.

(5) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium 147 contained in instrument dials.

* * * * *

3. In § 30.24:

a. Paragraph (j)(1) (ii) (*a*), (*c*), and (*d*), (iii), (iv) (*a*) and (*b*), (v)(*a*) (introductory text only), (v)(*f*) and (vi) are revised;

b. Paragraph (j)(2) (i), (ii)(*b*) and (iii) are revised, and subdivision (ii)(*c*) added;

c. Paragraph (j)(3) is revised;

d. Paragraph (m)(1) (ii) (*a*), (*c*) and (*e*), (iii), (iv) (*a*), (*b*) and (v)(*e*) are revised;

e. Paragraph (m) (2) and (3) are revised.

The revised and added portions of § 30.24 read as follows:

§ 30.24 Special requirements for issuance of specific licenses.

* * * * *

(j) *Luminous safety devices for use in aircraft.* (1) * * *

(ii) * * *

(*a*) Chemical and physical form and maximum quantity of tritium or promethium 147 in each device;

* * * * *

(*c*) Details of the method of binding or containing the tritium or promethium 147;

(*d*) Procedures for and results of prototype testing to demonstrate that the tritium or promethium 147 will not be released to the environment under the most severe conditions likely to be encountered in normal use;

* * * * *

(iii) Each device will contain no more than four curies of tritium or 100 millicuries of promethium 147. The levels of radiation from each device containing promethium 147 will not exceed 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber.

(iv) * * *

(*a*) The method of incorporation and binding of the tritium or promethium 147 in the device is such that the tritium or promethium 147 will not be released under the most severe conditions which are likely to be encountered in normal use and handling of the device;

(*b*) The tritium or promethium 147 is incorporated or enclosed so as to preclude direct physical contact by any person with it;

* * * * *

(v) The applicant has conducted prototype tests on each of five prototype devices as follows:

(*a*) *Temperature-altitude test.* The device shall be placed in a test chamber as it would be used in service. A temperature-altitude condition schedule shall be followed as outlined in the following steps:

* * * * *

(*f*) *Observations.* After each of the tests prescribed by this subdivision (v), each device shall be examined for evidence of physical damage and for loss of tritium or promethium 147. Any evidence of damage to or failure of any device which could affect containment of the tritium or promethium 147 shall be cause for rejection of the design if the damage or failure is attributable to a design defect. Loss of tritium or promethium 147 from each tested device shall be measured by wiping with filter paper an area of at least 100 square centimeters on the outside surface of the device, or by wiping the entire surface area if it is less than 100 square centimeters. The amount of tritium or promethium 147 in the water used in the hermetic seal and waterproof test prescribed by test (*e*) of this subdivision shall also be measured. Measurements shall be made in an apparatus calibrated to measure tritium or promethium 147, as appropriate. The detection on the filter paper of more than 2,200 disintegrations per minute of tritium or promethium 147 per 100 square centimeters of surface wiped or in the water of more than 0.1 percent of the original amount of tritium or promethium 147 in any device shall be cause for rejection of the tested device.

(vi) A person licensed under this section to manufacture, assemble or import devices containing tritium or promethium 147 for distribution to persons generally licensed under § 30.21(d) shall affix to each device a label which shall include the manufacturer's or importer's license number, the radiation symbol prescribed by § 20.203(a) of this chapter, a statement that the device contains tritium or promethium 147, as appropriate, and is generally licensed by the USAEC pursuant to § 30.21(d), and such other information as may be required by the Commission, including disposal instructions when appropriate. If the Commission determines that labeling on the device is not feasible and that an unreasonable risk to the health and safety of the public will not be created, it may dispense with the labeling of the device on condition that a leaflet bearing the prescribed information is enclosed in the container in which the device is shipped.

(2)(i) Each person licensed under this paragraph shall visually inspect each device and shall reject any which has an observable physical defect that could affect containment of the tritium or promethium 147.

(ii) * * *

(b) The immersion test water from the preceding test (a) of this subdivision shall be measured for tritium or promethium 147 content by an apparatus that has been calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in any device is found to have leaked into the immersion test water, the leaking device shall be rejected.

(c) The levels of radiation from each device containing promethium 147 shall be measured. Any device which has a radiation level in excess of 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, shall be rejected.

(iii) An application for a license or for amendment of a license may include a description of quality control procedures proposed as alternatives to those prescribed by subdivision (ii) of this subparagraph, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that they will assure the rejection of any device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium of promethium 147 in any 24-hour period.

* * * * *

(3) Each person licensed under this paragraph shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium or promethium 147 transferred to persons generally licensed under § 30.21(d). The report shall identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium 147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty (30) days thereafter.

* * * * *

(m) *Certain automobile lock illuminators.* (1) * * *

(ii) * * *

(a) Chemical and physical form and maximum quantity of tritium or promethium 147 in each lock illuminator;

* * * * *

(c) Details of the method of binding or containing the tritium or promethium 147;

* * * * *

(e) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium or promethium 147 will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

* * * * *

(iii) Each lock illuminator will contain no more than 15 millicuries of tritium or 2 millicuries of promethium 147. The levels of radiation from each lock illuminator containing promethium 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(iv) The Commission determines that:

(a) The tritium or promethium 147 is bound in the luminous compound in a nonwater soluble and nonlabile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium or promethium 147 will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(b) The tritium or promethium 147 is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium or promethium 147.

* * * * *

(v) * * *

(e) After each of the tests prescribed by this § 30.24(m)(1)(v), each device shall be examined for evidence of physical damage and for loss of tritium or promethium 147. Any evidence of damage to or failure of any device which could affect the containment of the tritium or promethium 147 in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured if the damage or failure is attributable to design defect. Loss of tritium or promethium 147 from each tested device shall be measured both by sampling the immersion test water used in (d) of this subdivision and by wiping with filter paper the entire accessible area of the lock illuminator. Measurements of tritium or promethium 147 shall be made in an apparatus calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in the device is found in the immersion test water of test (d) of this subdivision, or if more than 2,200 disintegrations per minute of tritium or promethium 147 on the filter paper is measured after any of the tests in (a) to (d) of this subdivision the device shall be rejected.

(2) Each person licensed under this paragraph shall:

(i) Maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks;

(ii) Subject production lots to such quality control tests as may be required as a condition of the license issued under this paragraph, sampled in accordance with § 30.25; and

(iii) Visually inspect each device in production lots and reject any device which has an observable physical defect that could affect containment of the tritium or promethium 147.

(3) Each person licensed under this paragraph shall file an annual report with the Director, Division of Materials Licensing, which shall state the total quantity of tritium or promethium 147 transferred to other persons under § 30.12 during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium or promethium 147 were distributed under Section 30.12 during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

* * * * *

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 5th day of March 1965.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 65-2607; Filed, Mar. 12, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Regulatory Docket No. 6065; Amdt. No. 31-2]

PART 31—AIRWORTHINESS STANDARDS: MANNED FREE BALLOONS

Miscellaneous Amendments

The purpose of this amendment is to prescribe additional airworthiness requirements for manned free balloons. This action was published as a notice of proposed rule making and circulated as Federal Aviation Agency Notice No. 64-38 (29 F.R. 8272).

There were no adverse comments received concerning the proposed airworthiness requirements set forth in Notice No. 64-38. However, several comments were received which expressed the view that in addition to airworthiness requirements for manned free balloons, the operational aspects of such balloons should also be regulated. In this connection, it was recommended that the basic equipment for the balloons include a two-way radio communication system and navigational equipment appropriate to the ground facilities to be used. It was also recommended that provision be made for the attachment of a radar reflector, a transponder beacon, or a similar device to the balloon.

Since the foregoing recommendations are concerned with the operational aspects of the manned free balloon, they go beyond the scope of Notice 64-38 and are, therefore, not being considered in connection with this regulation. However, the Agency is presently evaluating the regulatory changes recommended in the comments and, if they are found to be necessary in the interest of safety, they will be issued in the form of a proposal to amend the general operating and flight rules applicable to manned free balloons.

A comment was also received suggesting that the proposed rules should permit the manufacturer to provide suitable illumination of the balloon envelope itself in lieu of horizontal position lights hanging below the gondola. The proposed position light requirements for manned free balloons are designed so as to be as consistent as practicable with the lighting requirements for other aircraft and to provide uniform lighting for

the balloons. On the other hand, an evaluation of the information submitted in support of the suggested change indicates that it anticipates the use of various lighting arrangements as an alternative to the proposed position lights. For these reasons, the Agency has determined that the suggested change should not be incorporated into the regulation.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 31 of the Federal Aviation Regulations (14 CFR Part 31) is amended effective April 12, 1965, as follows:

1. Section 31.25 is amended by adding the following at the end of paragraph (c):

§ 31.25 Factor of safety.

* * * * *

(c) * * * The primary attachments of the envelope to the basket, trapeze, or other means provided for carrying occupants must be designed so that failure is extremely remote or so that any single failure will not jeopardize safety of flight.

* * * * *

2. Section 31.45 is amended by adding the following at the end thereof:

§ 31.45 Fuel cells.

* * * For pressurized fuel systems, each element and its connecting fittings must be tested to an ultimate pressure of at least twice the maximum pressure to which the system will be subjected in normal operation. In the test, no part of the system may fail or malfunction.

3. Section 31.47 is amended by adding the following new paragraphs:

§ 31.47 Heaters.

* * * * *

(c) There must be controls, instruments, or other equipment essential to the safe control and operation of the heater. They must be shown to be able to perform their intended functions during normal and emergency operation.

(d) The heater system (including the burner unit, controls, fuel lines, fuel cells, regulators, control valves, and other related elements) must be substantiated by an endurance test of at least 50 hours. In making the test, each element of the system must be installed and tested so as to simulate the actual balloon installation. The test program must be conducted so that each 10-hour part of the test includes 7 hours at maximum heat output of the heater and 3 hours divided into at least 10 equal increments between minimum and maximum heat output ranges.

(e) The test must also include at least three flameouts and restarts.

(f) Each element of the system must be serviceable at the end of the test.

4. Section 31.49 is amended by adding the following new paragraphs:

§ 31.49 Control systems.

* * * * *

(d) Each hot air balloon must have a means to allow the controlled release of hot air during flight.

(e) Each hot air balloon must have a means to indicate the maximum envelope skin temperatures occurring during operation. The indicator must be readily visible to the pilot and marked to indicate the limiting safe temperature of the envelope material. If the markings are on the cover glass of the instrument, there must be provisions to maintain the correct alignment of the glass cover with the face of the dial.

5. Section 31.55 is amended to read as follows:

§ 31.55 Deflation means.

There must be a means to allow emergency deflation of the envelope so as to allow a safe emergency landing. If a system other than a manual system is used, the reliability of the system used must be substantiated.

6. Subpart D is amended by adding the following sections after § 31.59:

§ 31.61 Static discharge.

Unless shown not to be necessary for safety, there must be appropriate bonding means in the design of each balloon using flammable gas as a lifting means to ensure that the effects of static discharges will not create a hazard.

§ 31.63 Safety belts.

There must be a safety belt, harness, or other restraining means for each occupant, unless the Administrator finds it unnecessary. If installed, the belt, harness, or other restraining means and its supporting structure must meet the strength requirements of Subpart C of this part.

§ 31.65 Position lights.

(a) If position lights are otherwise required by this chapter, there must be one steady white position light, and one flashing red position light with an effective flash frequency of at least 40, but not more than 100, cycles per minute.

(b) Both lights must have 360 degrees horizontal coverage and must be visible for at least 2 miles under clear atmospheric conditions.

(c) The white light must be located not more than 20 feet below the basket, trapeze, or other means for carrying occupants. The red light must be located not less than 7, or more than 10, feet below the white light.

(d) There must be a means to retract and store the lights.

7. Subpart F is amended by adding the following new section after § 31.83:

§ 31.85 Required basic equipment.

In addition to any equipment required by this subchapter for a specific kind of operation, the following equipment is required:

(a) For all balloons:

(1) A compass.

(2) An altimeter.

(3) A rate of climb indicator.

(b) For hot air balloons:

(1) A fuel quantity gage.

(2) An envelope temperature indicator.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423))

Issued in Washington, D.C., on March 3, 1965.

N. E. Halaby,
Administrator.

[F.R. Doc. 65-2559; Filed, Mar. 12, 1965; 8:45 a.m.]

[Docket No. 6512; Amdt. 39-47]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Products A6441FN-606 Propellers

There has been a separation during flight of a blade from an Aero Products A6441FN-606 propeller as a result of a fatigue crack, which progressed from a defect in the inboard fillet of the cuff ring on the blade shank. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require a magnetic particle inspection of Aero Products A6441FN-606 propellers. The inspection schedule required by this AD was established upon the recommendation of the manufacturer, with a shorter compliance time required of propellers with hours' time in service in the critical range. A longer compliance time is specified for less critical higher and lower time blades.

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

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

Aero Products. Applies to A6441FN-606 propeller blades shipped from Allison before February 19, 1965, that have not been overhauled.

Compliance required as indicated, unless already accomplished.

To prevent further blade failures as a result of fatigue cracks in the cuff ring, accomplish the following:

(a) Inspect blades with less than 750 hours' time in service on the effective date of this AD in accordance with paragraph (e) within the next 450 hours' time in service.

(b) Inspect blades with 750 or more but less than 1,000 hours' time in service on the effective date of this AD in accordance with paragraph (e) prior to the accumulation of 1,200 hours' time in service.

(c) Inspect blades with 1,000 or more but less than 1,600 hours' time in service on the effective date of this AD in accordance with paragraph (e) within the next 200 hours' time in service.

(d) Inspect blades with 1,600 or more hours' time in service on the effective date of this AD in accordance with paragraph (e) within the next 450 hours' time in service.

(e) Remove the spinner assembly, fairing assemblies, blade deicing slip ring assembly and attaching parts from the blade, and clean the blade surface in the cuff ring area in accordance with Allison Commercial Service Letter No. 168 dated March 1, 1965. Inspect the cuff ring area for cracks by fluorescent or nonfluorescent magnetic particle process in accordance with Allison Commercial Service Letter No. 168, or by an equivalent method approved by the Engineering and Manufacturing Branch, FAA Central Region.

(f) Remove cracked blades from service and report immediately by telephone or telegram to the Chief, Engineering and Manufacturing Branch, FAA Central Region, Kansas City, Mo.

NOTE: During the inspection required by this AD, particular attention should be given to the cuff ring fillets.

This amendment shall become effective March 13, 1965.

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

Issued in Washington, D.C., on March 8, 1965.

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

[F.R. Doc. 65-2560; Filed, Mar. 12, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SW-45]

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

Designation of Control Zone; Change of Effective Date

On November 24, 1964, Federal Register Document 64-11951 was published in the FEDERAL REGISTER (29 F.R. 15717) which designated a part-time control zone at Riverside Airport, Tulsa, Okla., effective 0001 e.s.t., March 4, 1965.

Subsequent to the publication of this rule in the FEDERAL REGISTER it was determined that the Riverside Airport traffic control tower will not be commissioned until on or about March 15, 1965. Accordingly, action is taken herein to amend the rule to change its effective date to coincide with the new date for commissioning the control tower.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Federal Register Document No. 64-11951 is amended, effective immediately, to change the effective date of the amendment therein from 0001 e.s.t., March 4, 1965 to 0001 e.s.t., March 15, 1965.

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

Issued in Fort Worth, Tex., on March 3, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65-2561; Filed, Mar. 12, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-4]

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

Transition Area; Correction

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to correct an error that appears in Federal Register Document 64-12285 (29 F.R. 17502), which is a compilation of regulations established in accordance with Parts 71, 73, and 75, and published on December 15, 1964.

A final rule designating the present transition area at Eglin AFB, Fla., was published in the FEDERAL REGISTER (28 F.R. 2092) on March 5, 1963. The publication of the official document erroneously described a set of coordinates. On January 24, 1964, a compilation of regulations was published in the FEDERAL REGISTER (29 F.R. 1002) as Federal Register Document 64-467. In this document the erroneous set of coordinates of the Eglin AFB transition area was perpetuated. The error has been inadvertently continued in the compilation of regulations published on December 15, 1964, as Federal Register Document 64-12285. Therefore, action is taken herein to correct the description of the transition area in accordance with the official document as it appeared prior to the erroneous publication on March 5, 1963.

Since this action is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is corrected, effective immediately, as hereinafter set forth.

In § 71.181 (29 F.R. 17643), the Eglin AFB, Fla., transition area is amended by deleting the last set of coordinates from the description, "latitude 30°20'15" N., longitude 86°48'00" W.", and substituting "latitude 30°23'20" N., longitude 86°48'00" W." therefor.

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

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

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2562; Filed, Mar. 12, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-54]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration

On December 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 16432) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 14 from the Richmond, Va., VOR to an intersection overlying the Kenton, Del., VORTAC.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17786), J-14 is amended by deleting "Richmond, Va." from the caption and substituting "Kenton, Del." therefor; and by deleting "Richmond, Va." from the text and substituting therefor "Richmond, Va.; to the INT of the Richmond 039° and the Yardley, Pa., 205° radials."

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

Issued in Washington, D.C., on March 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2563; Filed, Mar. 12, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-79]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration

On November 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 15583) stating that the Federal Aviation Agency proposed to realign Jet Route No. 84 from Reno, Nev., via Stockton, Calif., to Oakland, Calif.

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 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776) Jet Route No. 84 is amended as follows: "From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.;" is deleted and "From Oakland, Calif., via Stockton, Calif.; Reno, Nev.;" is substituted therefor.

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

Issued in Washington, D.C., on March 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2564; Filed, Mar. 12, 1965; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 5—Delegations and Designations

SCOPE OF SUBPART, AND AUTHORITY DELEGATION TO CORPS OF ENGINEERS BOARD OF CONTRACT APPEALS

Section 1204.500 is revised in its entirety and § 1204.506 is added.

§ 1204.500 Scope of subpart.

This subpart establishes various delegations of authority to, and designations of, National Aeronautics and Space Administration officials and other Government officials acting on behalf of the agency to carry out prescribed functions of the National Aeronautics and Space Administration.

§ 1204.506 Delegation of authority to the Corps of Engineers Board of Contract Appeals.

(a) Determination: The Corps of Engineers Board of Contract Appeals, Office of the Chief of Engineers, United States Army (hereinafter referred to as the Board), is authorized to act for and exercise the full authority of the Administrator of the National Aeronautics and Space Administration in all cases in which by the terms of a Corps of Engineers' lease of NASA real property the lessee may appeal to the Administrator of NASA or his representative from the findings of fact and final decision of the contracting officer or his authorized representative.

(b) Delegation of authority: The Board shall have all powers necessary for the proper performance of its duties. This includes but is not limited to authority to conduct hearings, dismiss proceedings, order the production of documents and other evidence, take official notice of facts within general knowledge, and decide all questions of fact and law raised by the appeal. There shall be no administrative appeal from decisions of the Board.

(c) Counsel to represent the interests of the Government in proceedings before the Board shall be designated in accordance with current procedures of the Corps of Engineers as they may be amended from time to time.

(42 U.S.C. 2473(b)(1))

Effective date. The provisions of §§ 1204.500 and 1204.506 are effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 65-2606; Filed, Mar. 12, 1965; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter IV—International Joint Commission, United States and Canada

PART 401—RULES OF PROCEDURE

The International Joint Commission, by virtue of the provisions of Article XII of the Treaty between the United States of America and His Majesty the King, dated the 11th day of January 1909, hereby revokes the rules of procedure which it adopted on the 2d day of February 1912, as subsequently amended, and, in their place and stead, adopts the following rules of procedure:

Subpart A—General

AUTHORITY: The provisions of this Part 401 issued under Art. XII, 36 Stat. 2453.

Subpart A—General

§ 401.1 Definitions.

(a) In the construction of the regulations in this part, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the plural number shall include the singular, and;

(b) "Applicant" means the Government or person on whose behalf an application is presented to the Commission in accordance with § 401.12;

(c) "Government" means the Government of Canada or the Government of the United States of America;

(d) "Person" includes Province, State, department or agency of a Province or State, municipality, individual, partnership, corporation and association, but does not include the Government of Canada or the Government of the United States of America;

(e) "Oath" includes affirmation;

(f) "Reference" means the document by which a question or matter of difference is referred to the Commission pursuant to Article IX of the Treaty;

(g) "The Treaty" means the Treaty between the United States of America and His Majesty the King, dated the 11th day of January 1909;

(h) "Canadian section" consists of the commissioners appointed by Her Majesty on the recommendation of the Governor in Council of Canada;

(i) "United States section" consists of the commissioners appointed by the President of the United States.

§ 401.2 Chairmen.

(a) The commissioners of the United States section of the Commission shall appoint one of their number as chairman, to be known as the Chairman of the United States Section of the International Joint Commission, and he shall act as chairman at all meetings of the Commission held in the United States and in respect to all matters required to be done in the United States by the chairman of the Commission.

(b) The commissioners of the Canadian section of the Commission shall appoint one of their number as chairman, to be known as the Chairman of the Canadian Section of the International Joint Commission, and he shall act as chairman at all meetings of the Commission held in Canada and in respect to all matters required to be done in Canada by the chairman of the Commission.

(c) In case it shall be impracticable for the chairman of either section to act in any matter, the commissioner of such section who is senior in order of appointment shall act in his stead.

§ 401.3 Permanent offices.

The permanent offices of the Commission shall be at Washington, in the District of Columbia, and at Ottawa, in the Province of Ontario, and, subject to the directions of the respective chairmen acting for their respective sections, the secretaries of the United States and Canadian sections of the Commission shall have full charge and control of said offices, respectively.

§ 401.4 Duties of secretaries.

(a) The secretaries shall act as joint secretaries at all meetings and hearings of the Commission. The secretary of the section of the Commission of the country in which a meeting or hearing is held shall prepare a record thereof and each secretary shall preserve an authentic copy of the same in the permanent offices of the Commission.

(b) Each secretary shall receive and file all applications, references and other papers properly presented to the Commission in any proceeding instituted before it and shall number in numerical order all such applications and references; the number given to an application or reference shall be the primary file number for all papers relating to such application or reference.

(c) Each secretary shall forward to the other for filing in the office of the other copies of all official letters, documents, records or other papers received by him or filed in his office, pertaining to any proceeding before the Commission, to the end that there shall be on file in each office either the original or a copy of all official letters and other papers, relating to the said proceeding.

(d) Each secretary shall also forward to the other for filing in the office of the other copies of any letters, documents or other papers received by him or filed in his office which are deemed by him to be of interest to the Commission.

§ 401.5 Meetings.

(a) Subject at all times to special call or direction by the two Governments, meetings of the Commission shall be held at such times and places in the United States and Canada as the Commission or the Chairman may determine and in any event shall be held each year at Washington in April and at Ottawa

in October, beginning ordinarily on the first Tuesday of the said months.

(b) If the Commission determines that a meeting shall be open to the public, it shall give such advance notice to this effect as it considers appropriate in the circumstances.

§ 401.6 Service of documents.

(a) Where the secretary is required by the regulations in this part to give notice to any person, this shall be done by delivering or mailing such notice to the person at the address for service that the said person has furnished to the Commission, or if no such address has been furnished, at the dwelling house or usual place of abode or usual place of business of such person.

(b) Where the secretary is required by the regulations in this part to give notice to a Government, this shall be done by delivering or mailing such notice to the Secretary of State for External Affairs of Canada or to the Secretary of State of the United States of America, as the case may be.

(c) Service of any document pursuant to § 401.22 shall be by delivering a copy thereof to the person named therein, or by leaving the same at the dwelling house or usual place of abode or usual place of business of such person. The person serving the notice or request shall furnish an affidavit to the secretary stating the time and place of such service.

§ 401.7 Conduct of hearings.

Hearings may be conducted, testimony received and arguments thereon heard by the whole Commission or by one or more Commissioners from each section of the Commission, designated for that purpose by the respective sections or the Chairman thereof.

§ 401.8 Decision by the whole Commission.

The whole Commission shall consider and determine any matter or question which the Treaty or any other treaty or international agreement, either in terms or by implication, requires or makes it the duty of the Commission to determine. For the purposes of this section and § 401.7, "the whole Commission" means all of the commissioners appointed pursuant to Article VII of the Treaty whose terms of office have not expired and who are not prevented by serious illness or other circumstances beyond their control from carrying out their functions as commissioners. In no event shall a decision be made without the concurrence of at least four commissioners.

§ 401.9 Suspension or amendment of rules.

The Commission may suspend, repeal, or amend all or any of the rules of procedure at any time, with the concurrence of at least four commissioners. Both Governments shall be informed forthwith of any such action.

§ 401.10 General rule.

The Commission may, at any time, adopt any procedure which it deems expedient and necessary to carry out the true intent and meaning of the Treaty.

§ 401.11 Availability of records.

(a) The following items in the official records of the Commission shall be available for public information at the permanent offices of the Commission:

Applications.
References.
Public Notices.
Press Releases.
Statements in Response.
Statements in Reply.
Records of hearings, including exhibits filed.
Briefs and formal Statements submitted at hearings or at other times.

(b) Decisions rendered and orders issued by the Commission and formal opinions of any of the Commissioners with relation thereto, shall be available similarly for public information after duplicate originals of the decisions or orders have been transmitted to and filed with the Governments pursuant to Article XI of the Treaty.

(c) Copies of reports submitted to one or both of the Governments pursuant to the Treaty shall be available similarly for public information only with the consent of the Government or Governments to whom the reports are addressed.

(d) Reports, letters, memoranda and other communications addressed to the Commission, by boards or committees created by or at the request of the Commission, are privileged and shall become available for public information only in accordance with a decision of the Commission to that effect.

(e) Except as provided in the preceding paragraphs of this section, records of deliberations, and documents, letters, memoranda and communications of every nature and kind in the official records of the Commission, whether addressed to or by the Commission, commissioners, secretaries, advisers or any of them, are privileged and shall become available for public information only in accordance with a decision of the Commission to that effect.

(f) A copy of any document, report, record or other paper which under this section is available for public information may be furnished to any person upon payment of any cost involved in its reproduction.

Subpart B—Applications

§ 401.12 Presentation to Commission.

(a) Where one or the other of the Governments on its own initiative seeks the approval of the Commission for the use, obstruction or diversion of waters with respect to which under Articles III or IV of the Treaty the approval of the Commission is required, it shall present to the Commission an application setting forth as fully as may be necessary for the information of the Commission the facts upon which the application is based and the nature of the order of approval desired.

(b) Where a person seeks the approval of the Commission for the use, obstruction or diversion of waters with respect to which under Articles III or IV of the Treaty the approval of the Commission is required, he shall prepare an application to the Commission and forward it to the Government within whose jurisdiction such use, obstruction or diversion is to be made, with the request that the said application be transmitted to the Commission. If such Government transmits the application to the Commission with a request that it take appropriate action thereon, the same shall be filed by the Commission in the same manner as an application presented in accordance with paragraph (a) of this section. Transmittal of the application to the Commission shall not be construed as authorization by the Government of the use, obstruction or diversion proposed by the applicant. All applications by persons shall conform, as to their contents, to the requirements of paragraph (a) of this section.

(c) Where the Commission has issued an Order approving a particular use, obstruction or diversion, in which it has specifically retained jurisdiction over the subject matter of an application and has reserved the right to make further orders relating thereto, any Government or person entitled to request the issuance of such further order may present to the Commission a request, setting forth the facts upon which it is based and the nature of the further order desired. On receipt of the request, the Commission shall proceed in accordance with the terms of the Order in which the Commission specifically retained jurisdiction. In each case the secretaries shall notify both Governments and invite their comments before the request is complied with.

§ 401.13 Copies required.

(a) Subject to paragraph (c) of this section, two duplicate originals and fifty copies of the application and of any supplemental application, statement in response, supplemental statement in response, statement in reply and supplemental statement in reply shall be delivered to either secretary. On receipt of such documents, the secretary shall forthwith send one duplicate original and twenty-five copies to the other secretary.

(b) Subject to paragraph (c) of this section, two copies of such drawings, profiles, plans of survey, maps and specifications as may be necessary to illustrate clearly the matter of the application shall be delivered to either secretary and he shall send one copy forthwith to the other secretary.

(c) Notwithstanding paragraphs (a) and (b) of this section, such additional copies of the documents mentioned therein as may be requested by the Commission shall be provided forthwith.

§ 401.14 Authorization by Government.

(a) Where the use, obstruction or division of waters for which the Commission's approval is sought has been authorized by or on behalf of a Government or by or on behalf of a State or Province or other competent authority, two copies of such authorization and of any plans approved incidental thereto shall accompany the application when it is presented to the Commission in accordance with § 401.12.

(b) Where such a use, obstruction or diversion of waters is authorized by or on behalf of a Government or by or on behalf of a State or Province or other competent authority after an application has been presented to the Commission in accordance with § 401.12, the applicant shall deliver forthwith to the Commission two copies of such authorization and of any plans approved incidental thereto.

§ 401.15 Notice of publication.

(a) As soon as practicable after an application is presented or transmitted in accordance with § 401.12, the secretary of the section of the Commission appointed by the other Government shall send a copy of the application to such Government.

(b) Except as otherwise provided pursuant to § 401.19, the secretaries, as soon as practicable after the application is received, shall cause a notice to be published in the Canada Gazette and the FEDERAL REGISTER and once each week for three successive weeks in two newspapers, published one in each country and circulated in or near the localities which, in the opinion of the Commission, are most likely to be affected by the proposed use, obstruction or diversion. Subject to paragraph (c) of this section, the notice shall state that the application has been received, the nature and locality of the proposed use, obstruction or diversion, the time within which any person interested may present a statement in response to the Commission and that the Commission will hold a hearing or hearings at which all persons interested are entitled to be heard with respect thereto.

(c) If the Commission so directs, the notice referred to in paragraph (b) of this section, appropriately modified, may be combined with the notice of hearing referred to in § 401.24 and published accordingly.

§ 401.16 Statement in response.

(a) Except as otherwise provided pursuant to § 401.19, a Government and any interested person, other than the applicant, may present a statement in response to the Commission within thirty days after the filing of an application. A statement in response shall set forth facts and arguments bearing on the subject matter of the application and tending to oppose or support the application, in whole or in part. If it is desired that conditional approval be granted, the statement in response should set forth the particular condition or conditions desired. An address for service of documents should be included in the statement in response.

(b) When a statement in response has been filed, the secretaries shall send a copy forthwith to the applicant and to each Government except the Government which presented the said statement in response. If so directed by the Commission, the secretaries shall inform those who have presented statements in response, of the nature of the total response.

§ 401.17 Statement in reply.

(a) Except as otherwise provided pursuant to § 401.19, the applicant and, if he is a person, the Government which transmitted the application on his behalf, one or both may present a statement or statements in reply to the Commission within thirty days after the time provided for presenting statements in response. A statement in reply shall set forth facts and arguments bearing upon the allegations and arguments contained in the statements in response.

(b) When a statement in reply has been filed, the secretary shall send a copy forthwith to each Government except the Government which presented the said statement in reply, and to all persons who presented statements in response.

§ 401.18 Supplemental or amended applications and statements.

(a) If it appears to the Commission that either an application, a statement in response or a statement in reply is not sufficiently definite and complete, the Commission may require a more definite and complete application, statement in response or statement in reply, as the case may be, to be presented.

(b) Where substantial justice requires it, the Commission with the concurrence of at least four Commissioners may allow the amendment of any application, statement in response, statement in reply and any document or exhibit which has been presented to the Commission.

§ 401.19 Reducing or extending time and dispensing with statements.

In any case where the Commission considers that such action would be in the public interest and not prejudicial to the right of interested persons to be heard in accordance with Article XII of the Treaty, the Commission may reduce or extend the time for the presentation of any paper or the doing of any act required by these rules or may dispense with the presentation of statements in response and statements in reply.

§ 401.20 Interested persons and counsel.

Governments and persons interested in the subject matter of an application, whether in favour of or opposed to it, are entitled to be heard in person or by counsel at any hearing thereof held by the Commission.

§ 401.21 Consultation.

The Commission may meet or consult with the applicant, the Governments and other persons or their counsel at any time regarding the plan of hearing, the mode of conducting the inquiry, the admitting or proof of certain facts or for any other purpose.

§ 401.22 Attendance of witnesses and production of documents.

(a) Requests for the attendance and examination of witnesses and for the production and inspection of books, papers and documents may be issued over the signature of the secretary of the section of the Commission of the country in which the witnesses reside or the books, papers or documents may be, when so authorized by the Chairman of that section.

(b) All applications for subpoena or other process to compel the attendance of witnesses or the production of books, papers and documents before the Commission shall be made to the proper courts of either country, as the case may be, upon the order of the Commission.

§ 401.23 Hearings.

(a) The time and place of the hearing or hearings of an application shall be fixed by the Chairmen of the two sections.

(b) The secretaries shall forthwith give written notice of the time and place of the hearing or hearings to the applicant, the Governments and all persons who have presented statements in response to the Commission. Except as otherwise provided by the Commission, the secretaries shall also cause such notice to be published in the Canada Gazette and the FEDERAL REGISTER and once each week for three successive weeks in two newspapers, published one in each country and circulated in or near the localities which, in the opinion of the Commission, are most likely to be affected by the proposed use, obstruction or diversion of water.

(c) All hearings shall be open to the public.

(d) The applicant, the Governments and persons interested are entitled to present oral and documentary evidence and argument that is relevant and material to any issue that is before the Commission in connection with the application.

(e) The presiding chairman may require that evidence to be under oath.

(f) Witnesses may be examined and cross-examined by the Commissioners and by counsel for the applicant, the Governments and the Commission. With the consent of the presiding chairman, counsel for a person other than the applicant may also examine or cross-examine witnesses.

(g) The Commission may require further evidence to be given and may require printed briefs to be submitted at or subsequent to the hearing.

(h) The Commissioners shall be free to determine the probative value of the evidence submitted to it.

(i) A verbatim transcript of the proceedings at the hearing shall be prepared.

(j) The hearing of the application, when once begun, shall proceed at the times and places determined by the Chairmen of the two sections to ensure the greatest practicable continuity and dispatch of proceedings.

§ 401.24 Expenses of proceedings.

(a) The expenses of those participating in any proceeding under this Subpart B shall be borne by the participants.

(b) The Commission, after due notice to the participant or participants concerned, may require that any unusual cost or expense to the Commission shall be paid by the person on whose behalf or at whose request such unusual cost or expense has been or will be incurred.

§ 401.25 Government brief regarding navigable waters.

When in the opinion of the Commission it is desirable that a decision should

be rendered which affects navigable waters in a manner or to an extent different from that contemplated by the application and plans presented to the Commission, the Commission will, before making a final decision, submit to the Government presenting or transmitting the application a draft of the decision, and such Government may transmit to the Commission a brief or memorandum thereon which will receive due consideration by the Commission before its decision is made final.

Subpart C—References

§ 401.26 Presentation to Commission.

(a) Where a question or matter of difference arising between the two Governments involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along the common frontier between the United States of America and Canada is to be referred to the Commission under Article IX of the Treaty, the method of bringing such question or matter to the attention of the Commission and invoking its action ordinarily will be as set forth in this section.

(b) Where both Governments have agreed to refer such a question or matter to the Commission, each Government will present to the Commission, at the permanent office in its country, a reference in similar or identical terms setting forth as fully as may be necessary for the information of the Commission the question or matter which it is to examine into and report upon and any restrictions or exceptions which may be imposed upon the Commission with respect thereto.

(c) Where one of the Governments, on its own initiative, has decided to refer such a question or matter to the Commission, it will present a reference to the Commission at the permanent office in its country. All such references should conform, as to their contents, to the requirements of paragraph (b) of this section.

(d) Such drawings, plans of survey and maps as may be necessary to illustrate clearly the question or matter referred should accompany the reference when it is presented to the Commission.

§ 401.27 Notice and publication.

(a) The secretary to whom a reference is presented shall receive and file the same and shall send a copy forthwith to the other secretary for filing in the office of the latter. If the reference is presented by one Government only, the other secretary shall send a copy forthwith to his Government.

(b) Subject to any restrictions or exceptions which may be imposed upon the Commission by the terms of the reference, and unless otherwise provided by the Commission, the secretaries, as soon as practicable after the reference is received, shall cause a notice to be published in the Canada Gazette, the FEDERAL REGISTER and in two newspapers, published one in each country and circulated in or near the localities which, in the opinion of the Commission, are most likely to be interested in the subject matter of the reference. The notice shall describe the subject matter of the reference in general terms, invite interested persons to inform the Commission of the nature of their interest and state that the Commission will provide convenient opportunity for interested persons to be heard with respect thereto.

§ 401.28 Advisory boards.

(a) The Commission may appoint a board or boards, composed of qualified persons, to conduct on its behalf investigations and studies that may be necessary or desirable and to report to the Commission regarding any questions or matters involved in the subject matter of the reference.

(b) Such board ordinarily will have an equal number of members from each country.

(c) The Commission ordinarily will make copies of the main or final report of such board or a digest thereof available for examination by the Governments and interested persons prior to holding the final hearing or hearings referred to in § 401.29.

§ 401.29 Hearings.

(a) A hearing or hearings may be held whenever in the opinion of the Commission such action would be helpful to the Commission in complying with the terms of a reference. Subject to any restrictions or exceptions which may be imposed by the terms of the reference, a final hearing or hearings shall be held before the Commission reports to Governments in accordance with the terms of the reference.

(b) The time, place and purpose of the hearing or hearings on a reference shall be fixed by the chairmen of the two sections.

(c) The secretaries shall forthwith give written notice of the time, place and purpose of the hearing or hearings to each Government and to persons who have advised the Commission of their interest. Unless otherwise directed by the Commission, the secretaries shall also cause such notice to be published in the Canada Gazette, the FEDERAL REGISTER and once each week for three successive weeks in two newspapers, published one in each country and circulated in or near the localities which, in the opinion of the Commission, are most likely to be interested in the subject matter of the reference.

(d) All hearings shall be open to the public, unless otherwise determined by the Commission.

(e) At a hearing, the Governments and persons interested are entitled to present, in person or by counsel, oral and documentary evidence and argument that is relevant and material to any matter that is within the published purpose of the hearing.

(f) The presiding chairman may require that evidence be under oath.

(g) Witnesses may be examined and cross-examined by the Commissioners and by counsel for the Governments and the Commission. With the consent of the presiding chairman, counsel for any interested person may also examine or cross-examine witnesses.

(h) The Commission may require further evidence to be given and may require printed briefs to be submitted at or subsequent to the hearing.

(i) A verbatim transcript of the proceedings at the hearing shall be prepared.

§ 401.30 Proceedings Under Article X.

When a question or matter of difference arising between the two Governments involving the rights, obligations or interests of either in relation to the other or to their respective inhabitants has been or is to be referred to the Commission for decision under Article X of the Treaty, the Commission, after consultation with the said Governments, will adopt such rules of procedure as may be appropriate to the question or matter referred or to be referred.

Adopted: December 2, 1964.

United States Section:

EUGENE W. WEBER, *Acting Chairman.*
CHARLES R. ROSS, *Commissioner.*

Canadian Section:

A. D. P. HEENEY, *Chairman.*
D. M. STEPHENS, *Commissioner.*
RENE DUPUIS, *Commissioner.*

WILLIAM A. BULLARD,
Secretary,
United States Section.
D. G. CHANCE,
Secretary,
Canadian Section.

[F.R. Doc. 65-2583; Filed, Mar. 12, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Black Rock Canal, N.Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.590 governing the use, administration and navigation of Black Rock Canal, N.Y., is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.590 Black Rock Canal and Lock at Buffalo, N.Y.; use, administration and navigation.

(a) The term "canal" when used in this section will mean all of the Black Rock Waterway, including Black Rock Lock, and all of the lands, piers, buildings, and other appurtenances acquired by letters patent from the State of New York, or constructed for the use of the waterway; the southerly limit thereof being at the southerly end of Bird Island Pier, and the northerly limit being at the downstream end of the guide pier, Black Rock Lock, a length of 3.7 miles.

(b) The canal and all of its appurtenances and the use, administration and navigation thereof shall be in charge of the District Engineer, U.S. Army Engi-

neer District, in charge of the locality, or his authorized agents.

(c) The movement of all vessels, boats, or other floating things in the canal shall be under the direction of the authorized agents of the District Engineer in charge, and their orders and instructions must be obeyed.

(d) For passage through the canal, vessels or boats belonging to the U.S. Government shall have precedence over all others.

(e) All registered vessels or boats must pass through the canal in order of their arrival at the canal limits, unless otherwise directed in accordance with this section.

(f) No vessel or boat shall navigate the Black Rock Canal at a rate of speed greater than 6 statute miles per hour. This rate of speed will require elapsed time to navigate between designated points as follows:

From North Breakwater Light to Ferry Street Bridge, 26¼ minutes.

From South end of Bird Island Pier to Ferry Street Bridge, 18¾ minutes.

From Ferry Street Bridge to International Bridge, 11½ minutes.

(g) No vessel shall pass or approach within ¼-mile of a vessel bound in the same direction in the Black Rock Canal south of the Ferry Street Bridge. Tugs without tows, tugs towing a single barge under 150 feet in length, and single vessels under 150 feet in length are exempt from this paragraph.

(h) No vessel or boat shall anchor in or moor along the canal except at localities specially designated by the District Engineer or his agent; and no business, trading, or landing of freight or baggage, except such articles as may be readily carried in the hand, will be allowed on or over the canal lands or structures, without the permission of the District Engineer or his agent.

(i) No person or operator of a vessel in the Black Rock Canal, lock or approaching channels shall throw or discharge or permit to be thrown or discharged any solid material of any kind or any petroleum product of any kind into the canal, lock or appurtenant waters.

(j) All vessels and tows shall be navigated with care so as not to strike or disturb the channel buoys or channel markers. If a buoy or other channel marker is accidentally struck, damaged or displaced, the fact shall be reported immediately to the Black Rock Lock, foot of Bridge Street, Buffalo, N.Y., telephone 876-5454.

(k) Ferry Street Bridge: The clear headroom under the bridge at low water datum is 17.3 feet for a width of 86 feet from the pivot pier, thence decreasing to 12.3 feet at the left (westerly) abutment.

(l) All vessels and boats which cannot pass under the bridge shall, on approaching the bridge, reduce speed sufficiently to enable them to come to a dead stop, without touching the bridge, in case the movable span cannot be lifted. If the wind is dangerously strong, passage of the bridge shall not be attempted by large vessels without the aid of a tug or tugs.

(2) Vessels and boats bound north shall have the right-of-way and priority for passage through the bridge over those bound south.

(3) All vessels and boats desiring passage through the bridge shall signal therefor by one long and two short whistle blasts.

(4) Upon receiving the opening signal, the bridge operator shall answer by giving the same signal on the bridge whistle and he shall then proceed at once to lift the bridge.

(5) In case the bridge cannot be lifted, for any cause, the bridge operator shall answer a vessel signal by giving five short whistle blasts; and the vessel shall then be stopped until the bridge is ready to be lifted, when the bridge operator shall give the whistle signal for passage and the vessel may proceed.

(6) In case the bridge is disabled so that it cannot be lifted for one-half hour or more pending repairs, red flags will be displayed on the bridge in daytime and two red lantern lights, one above the other, at night; and when such signals are displayed no vessel or boat shall signal for or attempt passage through the bridge.

(l) Radio Control of vessel movement in Black Rock Canal: (1) The movement of vessels in the Black Rock Canal will be controlled by radio communication between the Black Rock Lock and the vessels desiring to use the canal. Vessels will not be permitted to meet or pass in the channel of restricted width between the southerly end of Bird Island (approximately 3,500 feet northerly along the canal from the North Breakwater South End Light) and the International Railway Bridge near the southerly entrance to the Black Rock Lock. Vessels less than 150 feet in length and tugs towing a single barge under 150 feet in length are not to be included in this special condition. In addition to the control of vessel movements in the restricted section of the canal, radio communications will also be utilized to facilitate the passage of vessels through the entire canal and the Black Rock Lock.

(2) Radio communication will be the only means of control of vessel traffic in the canal in order to prevent a meeting or passing of vessels in the restricted area, and therefore it is mandatory that all vessels over 150 feet in length and tugs towing a barge or barges over 150 feet in combined length of tow be equipped with radio communication equipment operating on designated frequencies. Any vessel lacking such equipment will not be permitted to enter the canal unless arrangements are made with the Black Rock Lock by land telephone to 876-5454 or marine ship-to-shore facilities immediately before entering the canal.

(3) The Black Rock Lock radio communication equipment operates on both VHF (FM) and MF (AM) frequencies as follows:

VHF—156.8 Mcs—Channel 16—Safety and Calling.
VHF—156.7 Mcs—Channel 14—Working.
VHF—156.6 Mcs—Channel 12—Working.
MF—2182 Kcs—Channel 51—Safety and Calling.
MF—2003 Kcs—Channel 52—Working.

A listening watch is maintained on VHF Channel 16 and MF Channel 51 only.

(4) In order that positive control may be maintained it is mandatory that the following procedures be followed in communicating by radio with the Black Rock Lock:

(i) Vessels entering the Buffalo Harbor from the Lake and desiring passage through the Black Rock Canal and Lock shall call the Lock on either VHF Channel 16 or MF Channel 51 approximately 15 minutes before the estimated time of arrival at Buffalo Harbor Traffic Lighted Bell Buoy 1 located at latitude N. 52°-50.1′ and longitude W. 78°-55.4′. Information to be furnished the Black Rock Lock Operator should include the name of the vessel, position, destination, length, draft (forward and aft) and the type of cargo. A second call shall be made to the lock when the vessel is abreast of the Buffalo Harbor Light on the southerly end of the detached West Breaker. Information furnished the vessel by the lock operator will assure the vessel operator of the proper time to enter the Black Rock Canal with a view to safety and minimum delay.

(ii) Vessels desiring to enter the Black Rock Canal from either the Buffalo Outer Harbor or the Buffalo River shall call the Black Rock Lock on VHF Channel 16 or MF Channel 51 or by land telephone to 876-5454 immediately before departing a dock and again when abreast of the North Breakwater South End Light on the southerly end of the North Breakwater.

(iii) Vessels desiring to enter the Black Rock Lock and Canal from the Niagara River section of Black Rock Channel shall call the Black Rock Lock by radio on VHF Channel 16 or MF Channel 51 or by land telephone to 876-5454 immediately before departing a dock. Vessels entering the Niagara River from the New York State Barge Canal shall call the Black Rock Lock by radio immediately after entering the river. A second call in either case shall be made as the vessel comes upon the Strawberry Island lower cut ranges.

(iv) In any radio communication from a vessel to the Black Rock Lock, the VHF (FM) frequencies will be utilized if available in preference to the MF (AM) frequencies.

(v) When an initial radio-contact has been made with the Black Rock Lock the vessel entering the canal shall maintain a standby watch at the radio until the passage through the canal and lock is completed.

(vi) Failure to comply with the foregoing procedures could result in considerable delay to a vessel and possibly in a collision between vessels in the restricted section of the canal.

(m) Black Rock Lock: All vessels and boats desiring to use the lock shall signal by two long and two short whistle blasts.

(1) Northbound vessels and boats shall not be brought to within less than 300 feet of the upper lock gates, nor shall southbound vessels be brought to within less than 200 feet of the lower lock gates, until the lock is made ready and the lockmaster in charge signals the vessel to enter the lock.

(2) Vessels and boats shall not moor to the approach walls of the lock at either end, for any other purpose than waiting for lockage, except by direction or permission of the lockmaster.

(3) Commercial vessels will receive preference in passage through the locks. Small vessels such as row, sail, and motor boats, bent on pleasure only, will be passed through the lock in company with commercial vessels or in the absence of commercial vessels may be passed through the lock individually or together in one lockage on the hour and half hour if northbound and at a quarter after the hour and a quarter to the hour if southbound. However, commercial vessels will receive preference which could delay the passage of pleasure craft. Pleasure craft will not be permitted to pass through the lock with vessels carrying inflammable cargo. Vessels and other large boats when in the lock shall fasten one head line and one spring line to the snubbing posts on the lock walls, and the lines shall not be cast off until the signal is given by the lockmaster for the boats to leave the lock.

(4) Vessels and boats will be passed through the lock in order of their arrival except that the lockmaster may order a small vessel to lock through in company with another vessel, irrespective of the former's order of arrival.

(5) All vessels and boats shall be maneuvered with great care so as not to strike any part of the lock walls, or any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the lock approaches.

(6) Vessels and boats shall not enter or leave until the lock gates are fully in their recesses, and the lockmaster has given direction for starting.

(7) Upon each passage through the lock, masters or clerks of all vessels and boats (except small motor boats and pleasure craft) shall report to the lock office a statement of passengers, freight, and such other statistical information as may be required by the blank forms which are issued to them for the purpose.

(8) Trespass on lock property is strictly prohibited. However, in that portion of the Black Rock Canal lying between the International Railway Bridge and the northerly end of the westerly lower guide pier, the following conditions shall apply to the embarking or disembarking of crew members or passengers of a vessel transiting the lock:

(i) Only the master or mate and two or three linesmen will be permitted to go ashore from transiting vessels and then only for normal operations and business incident to the transit. A maximum of only four (4) men will be permitted to go ashore from any one ship.

(ii) No crew members will be permitted to board a ship at the locks unless previously requested in writing by the master or owners, and approved by canal authorities.

(iii) No crew member may leave a ship while it is in transit in the lock or canal unless certified in advance as an emergency by the vessel master and approved by canal authorities.

(iv) No guest passengers will be permitted to either board or disembark at the canal or locks.

[Regs., Mar. 4, 1965, 1507-32 (Black Rock Canal, N.Y.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 65-2578; Filed, Mar. 12, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.49—Illustrations

Correction

Federal Register Document 65-2368, published March 6, 1965, at 30 F.R. 2930, the following change should be made: In the first paragraph under § 101-45.4910, the word "proposal" in the fourth and fifth lines should read "disposal".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

PETROLEUM AND PETROLEUM PRODUCTS

Proposed Importations in Bulk

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of sections 161 and 251 of the Revised Statutes and section 624 of the Tariff Act of 1930, as amended (5 U.S.C. 22, 19 U.S.C. 66, 1624), it is proposed to amend § 13.10 of the Customs Regulations (19 CFR 13.10), relating to the importation of petroleum products in bulk.

The General Accounting Office has made a selective review of procedures for determining quantities of bulk petroleum imported into the United States by vessels. As a result of such review, in a report to the Congress the Comptroller General of the United States has called attention to deficiencies in customs control over unloadings of bulk petroleum.

In some instances, the investigators discovered that petroleum was permitted to be discharged from the vessels into the receiving shore tanks without the outlets of the tanks and the pipeline valves being first sealed with customs seals, when gages taken by public gagers were accepted for customs purposes. In other cases it was observed that neither a customs officer nor a licensed public gager was present while petroleum was being discharged into an unsealed shore tank, during which time the importer proceeded to load his tank trucks from the shore tank.

The investigators reported that at one port not only was petroleum discharged from the importing vessels without proper sealing of the receiving shore tank and pipeline valves but the importers' gages of the oil were accepted for customs purposes.

It was pointed out that in addition to assuring customs that petroleum is not diverted prior to gaging for customs purposes, the sealing of receiving tanks also serves to prevent the inadvertent opening of valves during an unloading operation.

In addition to the corrective action called for by the foregoing, the report recommended the inclusion in the Customs Regulations of a requirement that, as a condition for the acceptance by customs of reports by licensed public gagers as to the quantities of imported petroleum gaged by them, public gagers be required to adhere to standards similar to those prescribed by the customs service for its own inspectors when gaging bulk petroleum imported by vessel.

To remedy the deficiencies reported by the Comptroller General and give effect to his recommendations, it is proposed to amend the regulations in Part 13—*Examination, measurement, and testing of certain products* as follows:

The centerhead preceding § 13.10 is amended to read "Petroleum and Petroleum Products".

The heading of § 13.10 is amended to read "Importation of petroleum and petroleum products in bulk".

Paragraph (a) is amended to read:

(a) (1) When petroleum or petroleum products subject to duty at a specific rate per gallon are imported in bulk in tank vessels and are to be transferred into shore storage tanks, both the plans of each tank showing all outlets and inlets and the gage table for each tank showing its capacity in United States gallons per inch or fraction of an inch of height shall be certified as correct by the proprietor of the tank. One set of these plans and gage tables so certified shall be kept on file at the plant of the oil company and shall be available at all times to customs officers. Another certified set of the shore tank plans and gage tables shall be filed in the customhouse for use in verifying the customs officers' reports. The collector may require such additional sets of shore tank plans, including subsidiary pipeline plans, and gage tables as he may deem necessary. The inlet and outlet valves of each tank shall have tags of a permanent type affixed thereto by the proprietor or lessee indicating the use of the valves. A customs officer shall verify the measurements and calibrations shown on the gage table.

(2) All deliveries of imported petroleum or petroleum products from importing vessels to shore shall be under continuous customs supervision. Before petroleum or petroleum products the quantities of which have not been determined for customs purposes are permitted to be transferred from a vessel into a receiving shore tank for gaging, the customs officer, in order to prevent unlawful diversion, shall seal all outlets of the receiving shore tank and all necessary valves attached to that part of the pipeline through which the merchandise will flow from the vessel to the shore tank during the particular discharge operation. If the collector of customs determines that it is impracticable to seal certain tank outlets or pipeline valves in accordance with the requirements, such outlets or valves shall be under the continuous physical supervision of a customs officer during a discharge operation. The certified plans of shore tanks furnished by the proprietor thereof shall be used by the customs officer as a guide to determine the tank sealing required. If the tank is partly full, an opening gage by or under the supervision of a customs officer shall be taken before the transfer begins.

(3) Subject to spot checking by a customs officer at irregular intervals, when petroleum or petroleum products are transferred by pipeline from the delivering vessel into a shore tank, the proper sealing of the receiving tank and the valves attached to the pipeline through which the petroleum or petroleum products move to the receiving tank, as described in subparagraph (2) of this paragraph may under the following conditions be regarded as continuous customs supervision over deliveries of the petroleum or petroleum product from the vessel to shore:

(i) Except as provided in subparagraph (4) of this paragraph, the seals placed on the receiving tank and pipeline valves as required by subparagraph (2) of this paragraph remain intact until completion of the discharge operation into the tank, and

(ii) The inlets to the tank, whether customs bonded or nonbonded, are then promptly sealed by a customs officer or Bureau approved public gager and remain sealed awaiting gaging by a customs officer or a Bureau approved public gager.

(4) If an emergency arises in connection with a discharge operation requiring the breaking of a customs seal or seals on the pipeline, the breaking shall be done by a customs officer if one is on duty and is available for the work; otherwise the seal may be broken by any person designated by the oil company for the purpose who shall promptly notify the collector of customs or his designate for appropriate action.

(5) Subject to such checks as may be deemed necessary, the collector may accept for customs purposes the reports of quantities of imported petroleum and petroleum products made by licensed public gagers whose standards of gaging have been approved by the office of the Commissioner of Customs as corresponding to those required of customs gagers. Customs has authorized the use by customs gagers of the equipment and procedures described in the ASTM Manual on Measurement and Sampling of Petroleum and Petroleum Products published by the American Society for Testing and Materials.

(6) When petroleum or a petroleum product is transferred by pipeline from the importing or other vessel into a receiving shore tank, in addition to the conditions specified in subparagraph (5) of this paragraph, acceptance for customs purposes of gaging reports by Bureau approved public gagers will generally be dependent, in the absence of continuous physical supervision of a customs officer during a discharge operation (i) upon the sealing of the pipeline valves required by subparagraph (2) of this paragraph remaining intact until delivery of the merchandise from the ship to the receiving tank is completed, (ii) upon the inlets to each receiving tank being promptly sealed or locked by a customs officer or a Bureau approved public gager when delivery of a discharge into that tank is completed, and (iii) upon the seals on the outlets and inlets

of the receiving tank remaining intact until after gaging of the tank for customs purposes has been completed.

(7) After the taking by a customs officer or Bureau approved public gager of the closing gage of any importation not in a customs bonded warehouse for which a consumption entry has been made, the seals on the receiving shore tank may be removed by the customs inspector or a Bureau approved public gager. If customs seals are removed from the shore tank by a Bureau approved public gager such seal numbers shall be recorded on his gage report as a matter of official record. Customs seals placed on valves attached to a pipeline may be removed by a customs officer, a Bureau approved public gager, or a person designated by the oil company after a delivery of merchandise from the ship to the receiving tank has been completed and the inlets to the receiving tank have been sealed or locked by a customs officer or Bureau approved public gager.

Paragraphs (b), (c), (d), and (e) are amended by inserting the words "petroleum or" before the words "a petroleum product" or "petroleum products" wherever they appear in those paragraphs.

Consideration will be given in the disposition of this proposal to any relevant data, views, suggestions, or objections which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: March 5, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-2584; Filed, Mar. 12, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1131]

[Docket No. AO-271-A8]

MILK IN CENTRAL ARIZONA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the hearing clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Arizona marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Phoenix, Ariz., on January 7, 1965, pursuant to notice thereof which was issued December 4, 1964 (29 F.R. 16866), as subsequently amended pursuant to notice which was issued December 11, 1964 (29 F.R. 17822).

The material issues on the record of the hearing relate to:

1. Level of Class I price differential;
2. Supply-demand formula;
3. Takeout and payback plan;
4. Allocation of bulk receipts intended for manufacturing use; and
5. Conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Level of Class I price differential.* The Class I price provisions should be amended to provide a monthly Class I differential of $2.30 above the basic formula price in place of the present seasonally adjusted differential.

The order presently provides for a Class I differential of $2.10 for the period of March through June and $2.40 for all other months. The annual average of the differential is $2.30.

Two producer associations, United Dairymen of Arizona and Federated Producers Association representing most of the producers supplying the market, proposed a Class I differential of $2.40 above the basic formula for each month. This represents an increase of 10 cents per hundredweight in the annual level of the Class I differential. They maintain that at least this price level is necessary to maintain an adequate supply of milk for the market. The record, however, indicates that an annual average differential of $2.30 is sufficient to keep the market adequately supplied on a year-round basis, if the seasonal pattern of production is adjusted slightly.

During the 4-year period of 1961 through 1964 the Class I price exceeded the basic formula by $2.22, $2.33, $2.29 and $2.37, respectively. The average differential for the 4 years was $2.304. The amount by which the Class I price exceeded the basic formula varied at times because of changes in the stated differential and because of the action of the supply-demand adjustor. It ranged from a low of $2.03 to a high of $2.50. During the same period the annual average Class I utilization of producer milk equaled 80.6 percent.

With this annual average, Class I utilization in the months of short production will equal about 85 percent of producer receipts. In the months of flush production Class I utilization will fall a little below 75 percent of receipts. When Class I use does not exceed 85 percent of receipts in the months of short production, the available reserve is generally adequate to accommodate the day-to-day fluctuations in Class I requirements.

Disposal of the reserve supply does not become a problem as long as Class I utilization remains above 70 percent of receipts. Above this level of utilization, the manufacturing facilities in the market are capable of utilizing the reserve milk which is not needed in the production of cottage cheese and ice cream. This is reflected by the fact that during the immediately preceding 12-month period in which utilization of producer milk in Class I was approximately 79 percent, only minor quantities of milk were imported and very little producer milk was diverted to nonpool plants.

During the first 6 months of 1961 the Class I price averaged $2.30 over the basic formula. Producer receipts were 130 percent of Class I sales. Because the supply-demand norms in the order were based on an average annual utilization of 87 percent at that time, the Class I price dropped rapidly and during the last half of the year averaged only $2.12 over the basic formula. This resulted in a drop in production relative to sales which continued into 1962. The supply-demand adjustor affected the Class I price an average of less than one-half cent during the last 9 months of 1962.

In 1963, although Class I sales were 81.8 percent of producer receipts, the supply-demand adjustor reduced the Class I price in the fall months by as much as 8 cents per hundredweight. Supplies again shortened relative to sales and continued so for the first half of 1964. By amendment to the order July 1, 1964, the Class I differential was temporarily increased to $2.50 and the supply-demand adjustment was suspended for the months of July, August, and September. As a result, the Class I price for the last 6 months of 1964 averaged $2.45 over the basic price. Class I disposition was 79.6 percent of producer receipts.

From the foregoing, it appears that a Class I price of $2.30 over the basic formula price will result in an adequate but not excessive supply of milk. When the price has fallen much below this level the market has been in short supply, and at levels much in excess of that amount the supply has increased beyond the fluid requirements of the market.

Witnesses for the producer associations stated that the varying seasonal Class I differential now provided would tend to disrupt orderly marketing. It was their contention that the seasonal changes in the Class I price and the resulting fluctuation in resale prices would adversely affect the sale of fluid milk. It was their belief that a constant Class I differential for each month of the year would tend to stabilize consumer prices and thereby promote orderly marketing

conditions in the Central Arizona marketing area.

The relevancy of these arguments under the statutory price standard is questionable. Nevertheless, it has been concluded in this decision that a uniform differential should be adopted instead of the present seasonally adjusted differential. The reasons therefor are discussed further in connection with the takeout and payback plan set forth below.

Handlers opposed any change in the annual level of the Class I differential. It was also their position that, if the differential were reestablished at $2.30 the year round, such change should not become effective until July 1, 1965. They stated that, since they had paid the higher seasonal differential in the fall and winter months, they should have the benefit of the lower differential in the spring months. It is equally true that if the Class I price is not increased until July, the Class I differential for the year will be somewhat less than the annual average of $2.30 determined to be necessary to bring forth an adequate supply of milk. It is concluded, therefore, that the amendments should become effective as soon as practicable.

2. *Supply-demand formula.* The supply-demand adjustor should be revised.

The supply-demand adjustor in the present order is based on a comparison of receipts and sales during the second and third preceding months to a standard utilization percentage. As discussed below, this formula has demonstrated that production in the market responds to changes in the Class I price. However, it has not performed satisfactorily in that it has resulted in frequent short-term fluctuations in the Class I price. More importantly, it has generally acted contraseasonally in that it has resulted in sizable reductions in the Class I price during the late summer and fall months when the market has been in shortest supply and has had little or no effect on the Class I price during the months of flush production. This has tended to nullify the market's efforts to improve the seasonal production pattern.

In most markets the supply-demand adjustor should be geared to react promptly to any change in the supply or demand situation. This is accomplished through the use of short-term movers which will affect the Class I price in succeeding months whenever a change in the supply-demand relationship begins to develop.

Experience in this market, however, has shown that frequent wide but very short-term variations in either production or consumption can occur. In October and December 1964, for example, Class I sales were 2.7 and 6.1 percent greater respectively, than in the corresponding months of 1963, yet in November 1964, Class I sales were 3.5 percent less than in November 1963. Since these changes are frequently of very short duration, and it is impossible for the supply-demand adjustor to reflect changes during the current month, the price changes resulting from these temporary situations often occur after the condition has corrected itself, and sometimes when a trend in the opposite direction is developing.

There are several factors which distinguish the Central Arizona market from most other markets and which contribute to these sporadic changes in the supply-demand situation. The marketing area is a tourist and winter resort area. During the summer months there is a large transient tourist trade. In the winter months there is a large influx of visitors. The number of these visitors and the dates of their arrival and departure depend to a large extent on the length and severity of the winter in northern States. Thus, consumption of milk is affected by the weather in other parts of the country even more than by local weather conditions.

The size and nature of the producers supplying the market are other important factors. The average production per farm in 1964 exceeded 5,000 pounds per day. There are several producers whose production is in excess of one million pounds per month. The degrading of even one of the latter producers for a month could affect the present supply-demand adjustor by as much as two percentage points, in succeeding months.

Many of these producers purchase all of the hay and grain fed to their cows. Many also raise none of their replacement cows, but purchase additional cows as the need arises. As a result changes in the price of hay and feeds, or in the value of beef relative to milk cows can affect production in this market more quickly and to a greater extent than in the average fluid market.

Another peculiarity of this market is the high concentration of producers in Maricopa County. More than 85 percent of the producers are located in this county, most of them within a 20-mile radius of Phoenix. As a result very localized conditions occurring in this county can have a very pronounced effect on the total production for the market.

In a market such as this where wide short-term changes in production or sales can occur, the supply-demand adjustor should not affect the Class I price because of a 1-month aberration in either production or sales. In order to minimize the effects of these sporadic changes in production or consumption, the supply-demand utilization percentages should be computed on a longer base period. This will minimize the erratic price movements which have occurred under the present formula, but will continue to reflect any long-term trends which develop.

It is concluded that a new supply-demand adjustor be adopted which would be calculated by:

(1) Basing the ratio of Class I utilization to receipts from producers on a 12-month average utilization ending with the second preceding month and adjusting this average based on a comparison with a similar percentage for the 12-month period ending with the fourth preceding month; and

(2) Making an adjustment to the Class I price when the supply-demand relationship deviates from 83–78 percent. A ratio greater than 83 percent would increase the Class I price and one less than 78 would decrease it.

Producer cooperatives proposed a formula which would use the utilization in the immediately preceding month and a moving average of the 12-month period ending with the preceding month with double weight given to the 1-month period in arriving at the current utilization percentage. This would be compared with a standard or norm of 82–78 and the Class I price adjusted if the current utilization was outside this range. The price would be increased 2 cents for each percentage over 82 and decreased 2 cents for each percentage under 78, except that no adjustment less than 6 cents would be effective.

Handlers made no specific proposals regarding a supply-demand formula. They did, however, testify that if an amended formula resulted in an increase in the Class I price then the Class I differential should be decreased by the same amount.

Producer representatives urged the adoption of their formula on the basis that it would avoid the contraseasonal price changes which have occurred under the present formula and also more nearly reflect the actual supply-demand conditions in the market. They pointed out that there has never been an increase in the Class I price through a supply-demand adjustment, although the Class I utilization has been as high as 89 percent.

The emphasis which this plan would place on the single month's utilization would intensify rather than minimize the effects of short time changes in supply or demand and could lead to an extremely erratic pricing pattern.

The supply-demand adjustor is currently based on the ratio of producer receipts to Class I sales in the second and third preceding months. The norms vary monthly but are predicated on an annual average production equal to 119 percent of Class I disposition. The Class I price is adjusted whenever production varies by more than 3.5 percent from this norm. Stated in reciprocal terms the present factor is based on a Class I utilization equal to 84 percent of producer receipts.

During the period of 1961 through 1964 the annual Class I utilization of producer milk was 78.8 percent in 1961, 83 percent in 1962, 81.8 percent in 1963 and 78.7 percent in 1964. The average for the entire period was 80.6 percent.

It has previously been concluded in this decision that the Class I differential should be $2.30 over the basic formula price. This has been the average differential for the past 4 years and it has resulted in an adequate but not excessive supply of milk. The present supply-demand norms are based on an 84 percent utilization. In order to maintain the effective Class I differential of $2.30, it is necessary either to fix the stated differential higher than $2.30 to offset the effects of the minus supply-demand adjustment, or to revise the supply-demand norms to reflect the 80.6 percent average which has prevailed in recent years.

It is more appropriate to fix the supply-demand norms at a level which represents the actual experience of the market, than to increase the stated Class

I differential and then reduce the Class I price as the result of a supply-demand formula based on high utilization. Therefore, a standard utilization norm of 80.5 percent is provided. To provide for some fluctuation in supply and demand, a range of 2.5 percentage points on either side is established to prevent random price changes. Thus, the Class I price would be increased whenever the Class I utilization ratio exceeds 83 percent, and would be decreased whenever the utilization ratio drops below 78 percent.

Had the supply-demand formula and Class I differential provided herein been in effect for the 4-year period of 1961 through 1964 the average effective differential would have been $2.305. As stated previously, the actual average differential for this period was $2.304. Thus the lower norms, together with the flat $2.30 Class I differential, will reflect recent experience in the market while eliminating the objectionable contraseasonal price adjustments which have occurred.

A utilization ratio based on a 12-month moving average will reduce the influence of any aberrant monthly changes in the supply-demand relationship. However, consideration must also be given to more current changes in supply-demand relationships. The formula proposed herein which compares the utilization percentage for the 12-month period ending with the second preceding month and the same ratio for the 12 months ending with the fourth preceding month will make the utilization ratio more responsive to current conditions than a single 12-month moving average.

This is accomplished by adding to or subtracting from the percentage for the 12-month period ending with the second preceding month the amount by which it is greater or less than, respectively, the percentage for the period ending with the fourth preceding month. The adjustor will thereby reflect current market conditions to a limited extent while at the same time reducing the possibility of contraseasonal price adjustments.

There should be no price adjustment when the utilization ratio is on or between 83–78 percent. As stated previously in this decision, the average annual Class I utilization of producer milk was 80.6 percent for the period of 1961 through 1964. The Class I price differential should be adjusted only as a result of significant changes from this relationship. The range provided will prevent random price changes which might otherwise be possible. When the utilization on percentage exceeds these limits it will reflect a real change in the supply-demand situation.

Since the formula provided herein will reflect changes in the supply-demand relationship at a relatively slow rate, a meaningful price adjustment should occur when the utilization norms are exceeded. Changes in the Class I price of 2 to 4 cents could result in very little change in the supply of producer milk. Therefore, the Class I price should be increased 6 cents per hundredweight when the utilization percentage is 84, plus 3 cents for each additional percentage over 84. The price should be decreased at the same rate when the utilization percentage is 77 or below. Adjustment at this rate should attract producer milk when it is needed but discourage the buildup of excessive supplies.

The maximum plus or minus supply-demand adjustment should be maintained at the present limit of 50 cents. Producers proposed that the adjustment be limited to 25 cents.

In light of the proposed supply-demand adjustor which is less sensitive than that now provided, it would not be appropriate to further limit the effectiveness of any resulting price changes. Any persistent adjustment approaching the present limit would indicate a need for consideration of changing the level of the Class I price differential through the hearing process.

It is concluded that the supply-demand adjustment formula recommended herein, in conjunction with the other changes proposed in this decision, will provide an appropriate basis for adjustments of the Class I price in this market as supply and demand conditions change.

3. *Takeout and payback plan.* The order should provide for a takeout and payback incentive payment plan for distributing payments to producers. This plan would lower the uniform producer price 15 cents per hundredweight in each of the months of April, May, and June, and 30 percent of the total amount withheld would be added back to the pool in August and October and 40 percent in September. The order presently provides seasonal pricing to producers through a variation in the Class I differential.

Although the producer cooperatives proposed a flat differential the year round, they recognized the need for some seasonal variation in prices to producers in order to encourage a more uniform seasonal pattern of production. They proposed that this be accomplished by a takeout and payback plan whereby 7 cents per hundredweight would be deducted from the uniform price to producers in each of the months of December through June. The amount withheld would be paid back in the months of August, September, and October, with 40 percent added to the pool in September and 30 percent in August and October.

The takeout and payback plan provided herein will provide greater seasonality in prices to producers than will the present seasonally adjusted differential and consequently will result in a better seasonal pattern of production in the market. The present seasonal pricing results in lower uniform prices during the months of March, April, May, and June, but provides approximately the same uniform prices during the remaining 8 months of the year. The takeout and payback plan provided herein will result in a lower uniform price to producers during the months of April, May, and June. These are the 3 consecutive months when supplies are greatest relative to sales. The 15-cent reduction during this period will return to producers approximately the same uniform price that they would have received under the seasonal pricing in the present order. However, for the payback period of August, September, and October the blend price will exceed the blend price which would have been applicable with the Class I differential of $2.40. These are the months of lowest production in the Central Arizona market. It is in these months that the greatest incentive is needed for producers to increase their production. During the months of July and November through March, the uniform price to producers under the takeout and payback plan will be slightly less than it would have been with the seasonally adjusted Class I differentials. However, production generally has been adequate in these months and there is not the same need to influence supplies by permanent adjustment of either the uniform price or the Class I differential. Thus, the pattern of uniform prices throughout the year under the takeout and payback plan should encourage production more in line with the needs of the market than would the seasonally adjusted Class I differential.

In this connection the slightly higher payback in September is needed to provide additional encouragement to production to meet the increased requirements for milk which occurs with the opening of schools.

Although the producers proposed that the deduction be made during the months of December through March, statistics for the market clearly indicate that producer returns should not be reduced during the December through March period. Class I utilization has averaged close to 85 percent of receipts during these months. As stated previously this market is in short supply when more than 85 percent of the producer milk is utilized in Class I. Therefore, production should not be discouraged during these months in which producer receipts are barely adequate to satisfy consumer demands.

Since it has been concluded that the takeout period should be limited to 3 months rather than the 7 months proposed by producers, it is necessary that 15 cents per hundredweight be deducted from the uniform price in each of the months of April, May, and June. This rate will provide an amount to be added back to the pool funds in the August through October period sufficient to provide the incentive needed to bring forth the supplies required in these months. This rate of deduction should also reduce the trend toward excessive supplies during April, May, and June.

During 1964 the average uniform price in the market for the period of April–June was $4.79 and for the period of August–October, $5.14. If the seasonal differential of $2.10–$2.40 had been effective the average blend prices for these periods would have been $4.64 and $5.06. Under the plan recommended herein the average blend prices to producers would have been $4.64 and $5.14 for the respective periods. Thus, this plan will result in greater seasonal variation in producer returns than would be accomplished by the present seasonal changes in the Class I differential.

It was proposed by the producers' associations that the market administrator

be directed to invest the funds withheld for the seasonal incentive plan in Government securities so that they would accrue some interest which would also be returned to producers at the time for the payback. Under the Department regulations the market administrator has specific instructions as to how moneys held in the trust funds created under the order may be invested and in what depositories they may be held. Therefore, it is unnecessary to provide specific provisions in the order regarding the use of the funds in his custody under the takeout and payback plan.

4. *Allocation of bulk receipts intended for manufacturing use.* The allocation provisions should be amended for the purpose of clarifying the classification to be accorded receipts of fluid milk for manufacturing use from other order plants and unregulated supply plants.

The present order provisions seem to imply that the receiving handler and the transferor could agree to a Class II classification of such receipts even though the receiving plant had ample use in Class III to cover such receipts. This could result in milk for manufacturing from unregulated plants being assigned Class II utilization while producer milk was being classified as Class III in the same plant. It would likewise permit the surplus milk of other order markets to be assigned to Class II while producer milk was being assigned to Class III.

Surplus from the Rio Grande market has on occasion been shipped to Central Arizona pool plants for use in manufactured dairy products. To permit such milk to be allocated to Class II in the Central Arizona market would benefit the producers in neither market. There are only two classes of utilization in the Rio Grande market. The Class II use contains the products classified as both Class II and Class III under the Central Arizona order. The Class II price, however, is equivalent to the Class III price under the Central Arizona order. Whether such milk was allocated to Class II or Class III under the Central Arizona order, it would be classified as Class II in the Rio Grande market and producers there would receive the equivalent of the Central Arizona Class III price. Thus, the difference between the Class II and Class III prices would represent a windfall to the Central Arizona handlers if surplus milk from the Rio Grande market were allocated to Class II.

The order, therefore, should be amended to make it clear that milk imported by agreement for use in manufactured dairy products should be allocated to Class III use in the receiving plant. It should be assigned to Class II only to the extent that there is insufficient Class III utilization in the receiving plant to cover the volume of milk received.

5. *Conforming changes.* The amendments required to carry out the conclusions regarding the takeout and payback plan require changes in the provisions regarding payments on nonpool milk. These are changes in terminology and will not alter the obligation of any handler.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Central Arizona marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1131.46, paragraphs (a)(4)(i)(*a*) and (ii) are revised to read as follows:

§ 1131.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(4) * * *

(i) * * *

(*a*) For which the handler requests Class III utilization; or

* * * * *

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class III utilization is requested by the handler and the operator of the transferor plant requests the lowest class utilization under the other order;

* * * * *

2. In § 1131.51, paragraph (a) is revised to read as follows:

§ 1131.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.30 and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

(1) For each month calculate a utilization ratio as follows:

(i) For the 12-month period ending with the second preceding month divide the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) by the total receipts of producer milk and multiply by 100;

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than the comparable utilization percentage calculated using the 12-month period ending with the fourth preceding month. The result, rounded to the nearest whole percentage, shall be the utilization ratio;

(2) If the utilization ratio equals 84 or more the Class I price shall be increased, and if the utilization ratio equals 77 or less the Class I price shall be decreased, by 6 cents plus an additional 3 cents for each full percentage point by which the utilization ratio exceeds 84, or is less than 76, respectively.

* * * * *

§ 1131.62 [Amended]

3. In § 1131.62(a)(1)(i) and (b)(4) the term "uniform price" is changed to "weighted average price".

4. In § 1131.71, paragraph (f) is revised and new paragraphs (g), (h), (i), (j), and (k) are added to read as follows:

§ 1131.71 Computation of uniform prices.

* * * * *

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May and June, an amount computed by multiplying the total hundredweight of producer milk for such month by 15 cents;

(i) Add during each of the months of August and October 30 percent, and during September 40 percent of the total

amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1131.73 [Amended]

4. In § 1131.73(b) the term "uniform price" is changed to "weighted average price".

§ 1131.82 [Amended]

5. In § 1131.82(b)(2) the term "uniform price" is changed to "weighted average price".

Signed at Washington, D.C., on March 10, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-2608; Filed, Mar. 12, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-SO-67]

CONTROL ZONE

Proposed Designation

In consonance with ICAO International Standards and Recommended Practices, notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations. This proposal relates to navigable airspace both within and outside the United States.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: 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. The proposal contained in this notice may be changed in the light of comments received.

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

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operating in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA is considering the designation of a part time control zone at Alexander Hamilton Airport, St. Croix, V.I. The area is presently within the San Juan, P.R. control area extension. A part time control tower is scheduled to be commissioned during July 1965. The proposed control zone is required to provide protection for aircraft executing IFR arrival and departure procedures at Alexander Hamilton Airport. Communications and weather services would be provided by the FAA control tower scheduled to be commissioned at the Alexander Hamilton Airport.

The control zone would be designated within a 5-mile radius of Alexander Hamilton Capital Airport (latitude 17°42'15" N., longitude 64°47'55" W.); within 2 miles each side of the St. Croix, V.I., VOR 250° True radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 208° True bearing from the airport, extending from the 5-mile radius zone to 6 miles SW of the airport, effective from 0600 to 2200 hours, local time, daily.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854, 24 F.R. 9565.

Issued in Washington, D.C., on March 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-2566; Filed, Mar. 12, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-PC-8]

VOR FEDERAL AIRWAYS

Proposed Redesignation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 that would alter the VOR Federal airway structure in the vicinity of the Kahoolawe, Hawaii, Restricted Area, R-3104.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 4009, Honolulu, Hawaii, 96812. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received.

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

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that

its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace actions in the vicinity of the Kahoolawe, Hawaii, Restricted Area, R-3104:

1. Revoke the segment of Hawaiian VOR Federal airway No. 1 from the Southgate Intersection via the Palmtree Intersection, Lanai VOR, Harpoon Intersection, Lava Intersection and Upolu Point VOR to the Paradise Intersection, Hawaii.

2. Extend Hawaiian VOR Federal airway No. 5 from the intersection of the Lanai, Hawaii, 118° and the Maui, Hawaii, 179° True radials to the intersection of the Upolu Point, Hawaii, 305° and the Maui 179° True radials.

3. Realign the segment of the Hawaiian VOR Federal airway No. 2 between the Harpoon Intersection, Hawaii, and Upolu Point by use of the Upolu Point 305° True radial in lieu of the Upolu Point 306° True radial.

With the exception of the section between the Lava Intersection and the Harpoon Intersection, V-1 is a common airway with segments of V-8, V-2, and V-16 from the Southgate Intersection to the Paradise Intersection. The proposed extension of V-5 between the Lava and Harpoon Intersections would replace the segment of V-1 between these points thereby providing additional lateral separation from Restricted Area, R-3104 and making V-1 completely unnecessary between the Southgate and Paradise intersections. It is therefore proposed that the section of V-1 between Southgate and Paradise intersections be revoked.

The proposed realignment of the segment of V-2 between the Harpoon Intersection and Upolu Point would enable the MEA on that segment to be reduced from 9,000 to 7,000 feet.

These amendments are proposed under the authority of sections 307(a) and 1110, of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on March 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2567; Filed, Mar. 12, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WA-11]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Paris, Tex., to Page, Okla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The airway segment, as proposed, is necessary to provide a connecting airway between Paris and Fort Smith, Ark., two certified permanent air carrier stops, via Page, Okla.

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

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

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2568; Filed, Mar. 12, 1965; 8:46 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 64-WE-46]

FEDERAL AIRWAYS AND JET ROUTE

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate a VOR Federal airway from Portland, Oreg., direct to Yakima, Wash., redesignate VOR Federal airway No. 281 from Walla Walla, Wash., direct to Spokane, Wash., and establish a jet route from Portland, direct to Yakima, direct to Spokane.

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

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

The proposed Federal airway would provide a connecting airway between two certified permanent air carrier stops. The proposed jet route would reduce the existing jet route mileage between Portland and Spokane by approximately 42 nautical miles. Operation along that portion of the jet route within R-6714 would require prior ATC approval.

V-281 is designated from Walla Walla to Spokane via the intersection of the Walla Walla 023° and Spokane 190° True radials, and was so designated to provide 15° lateral separation from V-112 at Spokane. The traffic using V-112 has lessened to the extent that simultaneous operations on V-112 and V-281 are no longer necessary. Accordingly, V-281 now may be designated direct, thereby reducing the airway mileage and permitting application of a lower minimum en route altitude along this segment.

Since the new Federal airway, as proposed, would traverse mountainous terrain and have different minimum en route altitudes for different segments, it is proposed that a floor of 1,200 feet above the surface be established. Altered V-281 would have a minimum en route altitude of 5,000 feet MSL and a floor for this airway would be established at 4,500 feet MSL.

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

Issued in Washington, D.C., on March 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-2569; Filed, Mar. 12, 1965; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-SW-2]

RESTRICTED AREA

Proposed Redesignation

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would redesignate Restricted Area R-5114 at Fort Wingate, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

ination at the office of the Regional Air Traffic Division Chief.

The United States Air Force has requested a redesignation of R–5114 to accommodate the firing of a two-stage missile known as the Ballistic Missile Target System (BMTS) and the continuation of the Pershing Missile Program. The BMTS Program is a classified project, however, an unclassified portion of the program is to more clearly define the flight safety measures that may be required for off-range firings. At the present time, the Air Force proposes to conduct firings of the Ballistic Missile Target System from R–5114 during the months of August 1965; January, February, July, November, and December 1966. It is proposed to launch approximately 20 missiles during these months. In addition, occasional Pershing Missile launches will be conducted within this time frame.

The overall project is similar in nature to the project for which R–5114 was originally designated. The restricted area would be joint use in nature and procedures for handling air traffic would be continued, as in the past designations of R–5114, by the Albuquerque, N. Mex., Center. If action is taken to adopt this proposal, the Fort Wingate, N. Mex., Restricted Area R–5114 would be designated as follows:

Boundaries. Beginning at latitude 35°27'-00'' N., longitude 108°35'00'' W.; to latitude 35°11'00'' N., longitude 108°13'00'' W.; to latitude 35°04'40'' N., longitude 108°24'00'' W.; to latitude 35°24'00'' N., longitude 108°-38'00'' W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Sunrise to sunset August 1, 1965–December 31, 1966, as published in NOTAMs 24 hours in advance of use.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

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

Issued in Washington, D.C., on March 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–2570; Filed, Mar. 12, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 527]

[Docket No. 1156]

SHIPPERS' REQUESTS AND COMPLAINTS

Filing of Additional Comments

At the oral argument in this proceeding, heard on January 27, 1965, the National Industrial Traffic League submitted the following proposals regarding the processing of shippers' requests and complaints by conferences:

(1) That a person or committee be designated to whom requests and complaints may be submitted;

(2) That answers thereto be made within thirty (30) days;

(3) That, in the event of an adverse decision, shippers be given an opportunity to be heard before the conference body;

(4) That, in the event of an adverse decision before the conference body, a right of appeal be had to an executive group of representatives of the member lines who are possessed with policy-making authority;

(5) That an informal telephone emergency procedure be established whereby a prompt answer may be received, with approval of the proposal to be had on less than unanimous vote of the member lines.

The Commission is of the opinion that interested persons should be given an opportunity to comment on these proposals. Accordingly, comments may be submitted on or before March 26, 1965.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65–2615; Filed, Mar. 12, 1965; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GRAZING LEASE RENTALS

MARCH 9, 1965.

Pursuant to the provisions of 43 CFR 4122.3-3 this notice will serve to continue the grazing rental rates in effect during the 1964 grazing year for the 1965 grazing year. The rental rates shall be applicable to all land administered pursuant to section 15 of the Taylor Grazing Act.

Since this notice serves to continue the current level of charges it is effective immediately.

Twenty-five percent of all monies collected, when appropriated by Congress, shall be available for range improvements

The minimum rental on a lease shall be $1 per annum. For computation of grazing rentals, the use by one cow or five sheep for one month constitutes one animal unit month. The rate for horses shall be double that charged for one cow or five sheep.

CHARLES H. STODDARD,
Director.

[F.R. Doc. 65-2579; Filed, Mar. 12, 1965; 8:46 a.m.]

WYOMING

Notice of Filing of Protraction Diagrams; Unsurveyed Land

MARCH 8, 1965.

Notice is hereby given that effective April 30, 1965, the following protraction diagrams are officially filed of record in the Wyoming Land Office, 2002 Capitol Avenue, Cheyenne, Wyo. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10:00 a.m. of the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only. Copies will be for sale at one dollar ($1.00) per sheet by The Division of Engineering, State Office, Bureau of Land Management, 2002 Capitol Avenue, Cheyenne, Wyo., 82001.

SIXTH PRINCIPAL MERIDIAN

(Approved January 22, 1965)

Diagram No.	Townships
1-A	T. 57 N., R. 108 W., T. 58 N., T. 57 N., R. 109 W., T. 58 N.,
1-B	T. 57 N., R. 110 W., T. 58 N., T. 57 N., R. 111 W., T. 58 N., T. 57 N., R. 112 W., T. 58 N., T. 57 N., R. 113 W., T. 58 N., T. 57 N., R. 114 W., T. 58 N.,
1-C	T. 57 N., R. 115 W., T. 58 N., T. 57 N., R. 116 W., T. 58 N., T. 57 N., R. 117 W., T. 58 N.,
2-A	T. 54 N., R. 108 W., T. 55 N., T. 56 N., T. 53 N., R. 109 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 110 W., T. 54 N., T. 55 N., T. 56 N.,
2-B	T. 53 N., R. 111 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 112 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 113 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 114 W., T. 54 N., T. 55 N., T. 56 N.,
2-C	T. 53 N., R. 115 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 116 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 117 W., T. 54 N., T. 55 N., T. 56 N., T. 53 N., R. 118 W., T. 54 N., T. 55 N., T. 56 N.,
3-A	T. 49 N., R. 109 W., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 110 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 111 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 112 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 113 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N.,
3-B	T. 48 N., R. 114 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N.,

SIXTH PRINCIPAL MERIDIAN—Con.

(Approved January 22, 1965)

Diagram No.	Townships
3-B	T. 48 N., R. 115 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 116 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 117 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N., T. 48 N., R. 118 W., T. 49 N., T. 50 N., T. 51 N., T. 52 N.

BURTON W. SILCOCK,
Assisant State Director.

Approved:

ED PIERSON,
Wyoming State Director.

[F.R. Doc. 65-2580; Filed, Mar. 12, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 152; Organization and Function Supplement]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization and Function

FEBRUARY 16, 1965.

This material supersedes the material appearing at 29 F.R. 5409, 5410 of April 22, 1964 and 29 F.R. 7612 of June 13, 1964.

SECTION 1. *Purpose.* .01 The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Business and Defense Services Administration.

SEC. 2. *Organization.* .01 The Business and Defense Services Administration shall consist of the following organization units:

a. Office of the Administrator

Administrator
Deputy Administrator and Director of Trade Adjustment

b. Office of the Assistant Administrator for Industrial Analysis

Industrial Analysis Staff
Statistical Operations and Analysis Staff

c. Office of the Assistant Administrator for Industrial Mobilization

Industrial Materials Staff
Mobilization Plans and Controls Staff
Mobilization Readiness Staff
Industrial Evaluation Staff

d. Office of Marketing and Services

Marketing Division
Service Industries Division
Business Projects Staff
International Liaison Staff

e. Commodity-Industry Offices, as follows:

1. Office of Chemicals and Consumer Products

Chemicals and Allied Products Division
Consumer Durables Division
Food Industries Division
Rubber, Leather and Allied Products Division

2. Office of Industrial Equipment

Agricultural, Construction, Mining Equipment Division
General Industrial Equipment and Components Division
Metalworking Equipment Division
Transportation Equipment Division

3. Office of Metals and Minerals

Aluminum and Magnesium Division
Copper Division
Iron and Steel Division
Miscellaneous Metals and Minerals Division

4. Office of Scientific and Technical Equipment

Communications Industries Division
Electronics Division
Power and Electrical Equipment Division
Scientific, Photographic, and Business Equipment Division

5. Office of Construction and Materials Industries

Building Materials and Construction Industries Division
Containers and Packaging Division
Forest Products Division
Printing and Publishing Industries Division
Water Industries Division

6. Office of Textiles

Business Services and Analysis Division
Market Analysis Division
Trade Analysis Division

SEC. 3. *Functions of the Office of the Administrator.* .01 The Administrator shall determine the policy, direct the programs, and be responsible for the conduct of all activities of the Business and Defense Service Administration.

.02 The Deputy Administrator shall assist the Administrator in all matters affecting the Business and Defense Services Administration and perform the duties of the Administrator during the latter's absence. The Deputy Administrator shall also be the Director of Trade Adjustment for the Department under Title III of the Trade Expansion Act of 1962 and other legal authority providing for similar assistance to firms.

SEC. 4. *Functions of the Office of the Assistant Administrator for Industrial Analysis.* .01 The Assistant Administrator, Industrial Analysis shall be the principal assistant and adviser to the Administrator on economic research programs concerned with business and industrial development, and shall maintain liaison with other areas of the Department and with other departments and agencies on industrial economic development matters.

.02 The Office of the Assistant Administrator, Industrial Analysis shall provide direction and guidance in the application of sound statistical and economic standards, techniques and procedures to Business and Defense Services Administration statistical and economic projects; and conduct research on factors affecting industry economic growth, including but not limited to monetary and fiscal policies, automation, technological progress, inventory policies, price fluctuations, and foreign competition.

SEC. 5. *Functions of the Office of the Assistant Administrator for Industrial Mobilization.* .01 The Assistant Administrator, Industrial Mobilization shall be the principal assistant and adviser to the Administrator in the performance of functions under the Defense Production Act of 1950, as amended, Executive Orders 10480 and 10660 and on all programs relating to mobilization of industrial resources during a national emergency pursuant to Executive Order 10999; provide policy direction and coordination in the execution of such programs in the business and industry offices; and maintain liaison with other areas of the Department and with other departments and agencies.

.02 The Office of the Assistant Administrator, Industrial Mobilization, shall be responsible for the administration of the Defense Materials System; issuance of priorities and directives; industrial mobilization planning, including development of mobilization production control systems and standby regulations; development of recommendations on the national stockpile of critical materials; training and direction of the industrial unit of the National Defense Executive Reserve; and identification and analysis through the Industry Evaluation Board of industry facilities of critical importance to industrial mobilization.

SEC. 6. *Functions of the Office of Marketing and Services.* .01 The Office of Marketing and Services shall:

a. Conduct research and disseminate information on marketing practices, methods, structure, costs and facilities to increase the efficiency and modernization of U.S. marketing activities; review Government regulations, legislation, and controls affecting marketing and recommend remedial action where appropriate and in the best interests of Government and U.S. business; and assemble and disseminate domestic and foreign marketing data for use by business and Government.

b. Develop and disseminate information on the activities of the wholesale, retail and service industries (including personal, recreational and professional services) useful to Government and business; review Government regulations, legislation, and controls affecting these business groups and propose remedial action where appropriate; and recommend and participate in developing programs to encourage modernization and efficiency throughout the service industry groups.

c. Arrange and conduct industrial modernization conferences and other business conferences to stimulate the development and modernization of U.S. industry and businesses; maintain liaison with trade associations and other nonprofit business organizations; and administer section 402 of the Federal Property and Administrative Services Act of 1949 as applied to foreign excess property.

d. Screen, analyze and disseminate to U.S. business foreign trade opportunities; prepare international industry surveys; arrange for BDSA assistance on commodity-industry matters to international organizations such as OECD, United Nations, NATO, and GATT; and act as the principal point of contact with the Office of Foreign Commercial Services on the commercial aspects of the U.S. Foreign Service.

SEC. 7. *Functions of Commodity-Industry Offices.* .01 Each of the six commodity-industry offices (Chemicals and Consumer Products, Industrial Equipment, Metals and Minerals, Scientific and Technical Equipment, Construction and Materials Industries, and Textiles) represents a broad segment of American business and industry. Each office includes from three to five industry divisions which perform the functions outlined in § 7.02 below. The Office of Textiles also provides staff assistance to the Departmental official designated to carry out the Department's responsibilities for regulating textile imports affected by international agreements.

.02 Each industry division shall perform the following functions for its assigned segment of American industry:

a. Collect, analyze, and disseminate information and data, both domestic and foreign, on production capacity, consumption, inventories, markets, distribution, sources of supply, the business implications of technological developments, and financial structure; and prepare analytical and statistical reports for use by business, industry and Government.

b. Promote industrial preparedness, profits, productivity, and employment by signaling industrial changes and by alerting business and Government of ways to accommodate change.

c. Analyze trends in the economy as they affect industries, products, and services.

d. Support and develop programs for industrial modernization and automation. Analyze the effects of modernization and automation upon U.S. industrial preparedness, domestic economic health, and ability to compete in world markets.

e. Furnish information and assistance in support of the international activities of the Department of Commerce, other Government agencies, and international organizations concerned with the expansion of international trade and commerce.

f. Analyze and review the impact of regulations, legislation, and controls upon industry. Recommend measures to simplify them if appropriate in the best interests of a growing national economy.

g. Foster cooperation between business and Government by maintaining liaison, providing advice and assistance, as appropriate, on problems of common concern.

h. Conduct mobilization activities, including industrial preparedness, post-attack capability studies, Industry Evaluation Board studies, and stockpile analyses—acquisition and mainte-

nance—assure that liquidation of stockpiles is conducted in a manner calculated to yield maximum return to the Government, with minimum dislocation to affected markets.

Sec. 8. *Administrative, publications, and related services.* .01 Administrative management, budget, personnel and related administrative services are furnished to the Business and Defense Services Administration by the Office of Administration (DIB) pursuant to Department Order No. 189.

.02 Publications and information services are furnished to the Business and Defense Services Administration by the Office of Publications and Information (DIB) pursuant to Department Order No. 190.

Effective date: February 16, 1965.

HERBERT W. KLOTZ,
Assistant Secretary for Administration.

[F.R. Doc. 65-2589; Filed, Mar. 12, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Amendment No. 12 to Facility License No. CX-6. The license as previously issued authorizes Westinghouse Electric Corporation (the licensee) to operate the Critical Reactor Experiment (CRX) Facility located in the Westinghouse Reactor Evaluation Center near Waltz Mill in Westmoreland County, Pennsylvania.

The amendment authorizes the licensee to (1) receive, possess and use at any one time up to 1700 kilograms of uranium 235 in low enrichment form (less than 7%) and up to 35 kilograms of plutonium as fuel for operation of the CRX facility, (2) conduct critical experiments using fuel materials containing plutonium, uranium 235 and uranium 238 as the fissionable materials, (3) control the CRX facility using the moderator transfer system, (4) use a fast dump system for reactor scram, and (5) make minor modifications to various operating limits and systems related to the plutonium experiments, as described in the application for license amendment dated August 25, 1964, and supplements thereto dated November 20, 1964 and January 15, 1965.

The amendment, as issued, is as set forth in the Notice of Proposed Issuance of Facility License Amendment published in the FEDERAL REGISTER on February 17, 1965, 30 F.R. 2163.

Dated at Bethesda, Md., this 5th day of March 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-2557; Filed, Mar. 12, 1965; 8:45 a.m.]

[Docket No. 50-212]

GENERAL DYNAMICS CORP.

Notice of Termination of Facility License

Please take notice that on March 5, 1965, the Atomic Energy Commission terminated License No. R-96 in its entirety and amended those sections of Indemnity Agreement No. B-9 which provided indemnity coverage for activities conducted under License No. R-96. License No. R-96 authorized General Dynamics Corporation to operate a Fast Critical Assembly type nuclear reactor at Torrey Pines Mesa, Calif.

On October 16, 1964, the General Dynamics Corp. advised the Commission that operations were being suspended, the uranium 235 sphere placed in storage, and the assembly machine disassembled and returned to the Commission's Oak Ridge National Laboratory. On February 1, 1965, General Dynamics requested termination of License No. R-96 after issuance of a special nuclear material license authorizing possession and storage of the fuel. Subsequently, Special Nuclear Material License No. SNM-862 was issued for this purpose on February 19, 1965. Accordingly, License No. R-96 is hereby terminated in its entirety.

Dated at Bethesda, Md., this 5th day of March 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-2558; Filed, Mar. 12, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15234]

INTERNATIONAL TOURS AND JACK E. HUMMEL

Enforcement Proceeding; Notice of Postponement of Hearing

Pursuant to the joint request of counsel for Respondent and the Bureau of Enforcement, public hearing in the above-entitled proceeding now assigned to be held in Los Angeles, Calif., on March 23, 1965, is hereby postponed indefinitely.

Dated at Washington, D.C., March 9, 1965.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 65-2614; Filed, Mar. 12, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

ORGANIZATION

Description

Pursuant to section 3(a) of the Administrative Procedure Act the Federal Aviation Agency organization statement as set forth below is hereby approved for publication in the FEDERAL REGISTER. This statement supersedes all earlier organization statements. However, it does not supersede delegations and information in notices of location and jurisdiction of local offices except insofar as such delegations or information are restated in the organization statement.

Issued in Washington, D.C., on March 10, 1965.

HAROLD W. GRANT,
Acting Administrator.

ORGANIZATION OF THE FEDERAL AVIATION AGENCY [1]

[1] This statement reflects the status as of Jan. 1, 1965. Changes after this cutoff date will be published as amendments.

SUBPART A—GENERAL DESCRIPTION OF ORGANIZATION

1. *Establishment of the Federal Aviation Agency.* The Federal Aviation Agency (FAA) was created by the Federal Aviation Act of 1958 (72 Stat. 731) as an independent agency in the executive branch of the United States Government. In addition to provisions of the Federal Aviation Act, FAA administers the Federal Airport Act and acts relating to airports for Washington, D.C., and performs functions pursuant to provisions in other laws, executive orders, and intra-Governmental arrangements authorized by law. FAA is headed by the Administrator of the Federal Aviation Agency (Administrator) who is responsible for the exercise of all powers and the discharge of all duties of FAA.

2. *Purpose.* The purpose of the FAA is to carry out and administer the programs described in paragraph 3 of this subpart, subject to the following statutory declarations of policy:

In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following among other things, as being in the public interest:

(a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense;

(b) The promotion, encouragement, and development of civil aeronautics;

(c) The control of the use of the navigable airspace of the United States and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both;

(d) The consolidation of research and development with respect to air navigation facilities, as well as the installation and operation thereof;

(e) The development and operation of a common system of air traffic control and navigation for both military and civil aircraft.

(Federal Aviation Act of 1958, sec. 103)

In exercising the authority granted in, and discharging the duties imposed by, this Act, the Administrator shall give full consideration to the requirements of national defense, and of commercial and general aviation, and to the public right of freedom of transit through the navigable airspace.

(Federal Aviation Act of 1958, sec. 306)

The Administrator shall exercise and perform his powers and duties under this Act in such manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation * * *

(Federal Aviation Act of 1958, sec. 601(b))

The Administrator is hereby authorized and directed to prepare * * * a national plan for the development of public airports in the United States * * * In order to bring about, in conformity with the national airport plan * * * the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Administrator is authorized * * * to make grants of funds to sponsors for airport development as hereinafter provided.

(Federal Airport Act, secs. 3 and 4)

3. *Programs.* The Federal Aviation Act of 1958 and the Federal Airports Act provide for the following major programs:

(a) *Safety regulations.* The promulgation of safety regulations is provided for under Title VI of the Act. These regulations provide for the examination, inspection, certification (including medical), and rating of airmen, and the administration of regulations and surveillance of regulated activities. Under this title the Agency develops regulations for promulgation by the Administrator on all safety matters relating to manufacture, operation, and maintenance of aircraft; performs flight inspection of air navigation facilities in the United States and, as required, abroad; and provides for enforcement of the safety regulations.

(b) *Registration and recordation.* The Agency provides for the registration of aircraft and the recordation of rights in aircraft under Title V of the Federal Aviation Act.

(c) *Research and development.* The Agency develops, modifies, tests, and evaluates systems, procedures, facilities, and devices needed for safe and efficient navigation and traffic control of all civil and military aviation (except for certain needs of military agencies that are peculiar to air warfare and primarily of military concern). It defines the performance characteristics of systems, procedures, facilities, and devices, and selects those that will best serve aviation needs and will promote maximum coordination of air traffic control and the air defense system. The Agency is also empowered to undertake or supervise developmental work and service testing to promote the development of improved aircraft, aircraft engines, propellers, and appliances.

(d) *Civil supersonic transport development.* The Agency provides leadership and direction to a national Government/industry program leading to the design and development of a commercial supersonic transport aircraft which is safe, economically sound, and superior in operating performance.

(e) *Establishment and operation of air navigation facilities.* The Agency locates, constructs or installs, maintains and operates wherever necessary Federal aids to air navigation; operates FAA emergency landing fields; operates and maintains visual and electronic aids, landline communications equipment, radio teletype circuits and equipment, and equipment at air traffic control towers and centers.

(f) *Airspace control and air traffic management.* Under Title III of the Act, the Agency develops air traffic rules and regulations; develops plans and formulates policy with respect to the safe and efficient utilization of the navigable airspace; and assigns the use of navigable airspace under such conditions as appear necessary to insure safety of aircraft and the efficient utilization of airspace. It administers air traffic control of civil and military air operations within United States airspace; operates FAA air route traffic control centers, airport traffic control towers, flight service stations, and related communications equipment required for control of air traffic; and provides for security control of air traffic as required to meet national defense requirements. (Titles III and XII)

(g) *Federal-aid airport program.* The Agency administers the Federal Airport Act in providing grants-in-aid for

the development of public airports; promulgates standards and specifications for civil airports; and fosters the development of a national system of airports.

(h) *Encouragement of civil aviation abroad.* The Agency promotes and encourages civil aviation abroad (pursuant to section 305 of the Federal Aviation Act and the International Aviation Facilities Act of 1948) through technical aviation assistance to other governments. This includes the assignment of technical groups abroad, the training and indoctrination of foreign nationals, and the exchange of aeronautical information with foreign governments. The Agency provides technical aviation representation in connection with international conferences in which the United States has an aviation interest, including participation in the International Civil Aviation Organization and other international organizations.

(i) *Other programs.* The Federal Aviation Agency is an allotting agency under the Defense Materials System with respect to priorities and allocations for civil aircraft and civil aviation operations. This includes requirements for establishment of air navigation facilities, for new civil aircraft and concurrent spare parts, and for the maintenance, repair, and operation of civil air-carrier aircraft and air navigation facilities. The Agency develops specifications for preparation of aeronautical charts, and "collects and disseminates information relative to civil aeronautics," as provided in the Federal Aviation Act, including particularly (1) current information on airways and airport services through the Airman's Information Manual and (2) technical publications for the improvement of safety in flight, airport planning and design, and other aeronautical activities.

4. *Organization pattern.* (a) The Federal Aviation Act of 1958 provides for an Administrator and a Deputy Administrator who must be citizens of the United States and have experience in a field directly related to aviation. The Act provides that the Administrator may organize the Agency, appoint officers and employees, define their authority and duties and delegate authority to them.

(b) The Agency consists of two basic levels of organization and two special organizational complexes.

(1) The Agency headquarters is responsible for Agencywide program planning, direction, control, and evaluation, and for conducting certain operational activities which can best be performed centrally.

(2) Geographic regions are responsible for conducting the Agency's operations in the field. Each regional organization is comprised of a regional office, which is the headquarters of the regional director, and of operating offices subordinate to the regional office. The regional office plans, directs, and controls operating programs conducted by the subordinate offices and provides administrative support to them. The operating offices include operating facilities, and offices of various kinds assigned geographic areas of responsibility.

(3) An Aeronautical Center in Oklahoma City, Okla., and a National Aviation Facilities Experimental Center (NAFEC) at Atlantic City, N.J., house detached elements of the headquarters organization.

5. *Information; submittals.* Requests for information on the organization or activities of FAA may be addressed, in writing or by telephone, to the Office of General Aviation Affairs, located at FAA headquarters, or to any regional office.

Unless other provision is made in a regulation, order or notice of FAA, submittals and requests may be addressed in writing to the nearest regional office or to the Administrator of the Federal Aviation Agency. (Locations and addresses of FAA offices are listed in Subpart C.)

Subpart B—The Agency Organization

1. Organization of Agency headquarters: The principal organizational elements of the Agency headquarters are:

(a) The Office of the Administrator which includes the Administrator; the Deputy Administrator; the Associate Administrator for Administration; the Associate Administrator for Development; the Associate Administrator for Programs; the Executive Secretariat; the Defense Coordination Staff; and special assistants, advisors, and boards reporting to the Administrator.

(b) Offices reporting to the Administrator.

(c) The Bureau of National Capital Airports reporting to the Administrator.

(d) Offices reporting to the Associate Administrator for Administration.

(e) Services reporting to the Associate Administrator for Development.

(f) Services reporting to the Associate Administrator for Programs.

2. The Office of the Administrator: The Office of the Administrator directs the Agency from the seat of Government. Its functions are to promulgate the basic programs, policies, plans and public rules required to exercise the authority vested in the Administrator, control the execution of the Agency's programs, and prescribe the organizational structure and assignment of responsibilities within the Agency.

(a) The Administrator, assisted by the Deputy Administrator:

(1) Determines and establishes Agency objectives and priorities.

(2) Guides the development of and approves long-range plans for achieving Agency objectives.

(3) Establishes the policies and broad technological, operational, and managerial concepts to govern the development and accomplishment of Agency programs based on approved plans.

(4) Issues Agency rules and regulations, or authorizes their issuance pursuant to delegations of authority.

(5) Approves broad legislative, budgetary, and fiscal proposals.

(6) Represents the Agency as an entity in its relations with the President, the Congress, other agencies, the aviation community, and the general public.

(7) Takes individual actions of major significance, such as changes in the basic pattern of Agency organization, the appointment of key personnel, the broad allocation of Agency resources, and individual matters of particular political or public sensitivity.

(8) With the assistance of the Deputy Administrator for Supersonic Transport Development, develops, directs, and controls the Supersonic Transport program.

(9) Exercises control over, evaluates, and takes steps to ensure the adequacy and continued improvement of overall Agency performance.

(10) Chairs the Interagency Group for International Aviation.

(b) The Deputy Administrator participates with and assists the Administrator in the overall planning, direction, coordination and control of Agency programs: He is authorized to represent the Administrator and exercise his authority as stated in Subpart D. He is also responsible for administering the Agency's defense readiness program and serves as the Administrator's principal military advisor.

(c) The Associate Administrator for Administration advises and assists the Administrator in directing, coordinating, controlling, and ensuring the adequacy of Agency plans and programs for administrative management and security. In the discharge of this responsibility he exercises executive direction over the: Audit Staff; Office of Management Services; Office of Budget; Office of Personnel and Training; Office of Compliance and Security; Office of Headquarters Operations; and Office of the Manager, Aeronautical Center.

(d) The Associate Administrator for Development advises and assists the Administrator in directing, coordinating, controlling, and ensuring the adequacy of Agency plans and programs for: long-range development of the national airspace utilization system; devlopment of aircraft; procurement; property management; and the installation of air traffic and navigation facilities and equipment. In the discharge of this responsibility, he exercises executive direction over the: National Airspace System Special Projects Office; Systems Research and Development Service; Aircraft Development Service; and Installation and Materiel Service.

(e) The Associate Administrator for Programs advises and assists the Administrator in directing, coordinating, controlling, and ensuring the adequacy of the substantive aspects of Agency rulemaking actions relating to the safety of flight, the safe and efficient utilization of the national airspace, and national security; and of the Agency plans and policies, technical standards, and procedures for the operation and maintenance of the national air traffic control and navigation system, and for the operation of maintenance of Agency aircraft. In the discharge of these responsibilities, he exercises executive direction over the: Air Traffic Service; Flight Standards Service; Airports Service; and Systems Maintenance Service.

(f) Special Boards and Advisors: These are groups or individuals directly responsible to the Administrator and providing advice and evaluation or performing special functions.

(1) *The Contract Appeals Panel.* The Panel acts for the Administrator in hearing and considering appeals by contractors from decisions of contracting officers of the Agency, where permitted by the terms of the contract, or as directed by the Administrator. Members of the panel are also authorized to recommend to the Administrator action to to be taken upon such appeals. The members of the panel are appointed by the General Counsel.

(2) *The Medical Advisory Panel.* The Panel advises the Administrator on the medical matters presented in the petitions for exemption from the physical standards of Part 67 of the Federal Aviation Regulations. Its function is to examine into the medical conditions of the applicant and advise the Administrator whether or not in its opinion the specific nature of the medical defect of the applicant which renders him unable to meet the medical standards applicable to issuance of the medical certificate sought is such that he may be exempted from such standards without endangering the safety of the public during the validity of such medical certificate, giving due regard to the specific circumstances involved.

3. The Deputy Administrator for Supersonic Transport Development supervises all aspects of the development of the United States commercial supersonic transport aicraft. This includes the development of policies and plans for the supersonic transport program, evaluation of airframe and engine proposals leading to contracts for the development of a supersonic transport, letting contracts for all phases of the supersonic transport development program, providing technical design information to industry through close coordination with the National Aeronautics and Space Administration and Department of Defense and maintaining technical and administrative surveillance of the Supersonic Transport Program.

4. Functions of the Offices and Services Generally: Staff offices attached to the Office of the Administrator, and staff offices and services under the executive direction of the associate administrators are responsible for:

(a) Formulation of overall Agency objectives, plans, policies, programs, standards, and procedures, for issuance by or on behalf of the Administrator.

(b) Development of Agency rules and regulations to be promulgated by or on behalf of the Administrator for observance by the Agency and members of the public.

(c) Technical guidance, coordination, and review and evaluation of regional program performance.

(d) Conduct of Seat-of-Government functions relating to such matters as legislation, requests for appropriations, and interagency coordination at the national level.

(e) Conduct of activities which, in the interest of effectiveness, efficiency, and economy, must be performed centrally. This includes:

(1) National airspace system design, research, and development (supported by NAFEC).

(2) Aircraft research and development.

(3) U.S. commercial supersonic aircraft development.

(4) Development and maintenance of the National Airport Plan and basic allocation of grant funds to airport development projects.

(5) Major national procurement.

(6) Management of major facility and equipment installation projects.

(7) Operation of the National Flight Data Center and Central Altitude Reservation Facility.

(8) Management of the Agency's foreign technical assistance activities.

(9) Supervision of air traffic liaison service provided to major DOD commands.

(f) Supervision and control of those field operations which require central direction for efficient performance and which are, therefore, organizationally within headquarters offices and services.

(g) Conduct of specific activities whose location, characteristics, or importance necessarily require the Administrator's personal attention.

5. Functions of specific offices and services: (a) *The staff offices.* These offices are concerned with staff aspects of the Agency's operation including internal business or administrative management and provision of professional services. They provide staff direction, advice, evaluation and services to the Agency in their professional or functional areas.

(1) *Office of Policy Development.* The Office of Policy Development develops broads policy, objectives, and plans to achieve the Agency's basic missions.

(2) *Office of Aviation Medicine.* The Office of Aviation Medicine applies aviation medicine knowledge to the safety and promotion of civil aviation.

(3) *Office of the General Counsel.* The Office of the General Counsel has overall responsibility for the legal activities of the Agency, provides legal counsel to all offices and services, and conducts the Agency litigation, ruledrafting and interpretation, tort claims, enforcement, legislative, codification, and contract appeals programs.

(4) *Agency Regulatory Council.* The Council facilitates discharge of the Administrator's rulemaking responsibilities and ensures the implementation of his rulemaking policies. Chaired by the Administrator, it is composed primarily of those office and service directors responsible for the Agency's rulemaking activities. The Council advises the Administrator on Agency rulemaking policies, practices, procedures, schedules, and priorities, and counsels him on significant or potentially controversial rules.

(5) *Office of Information Services.* The Office of Information Services promotes, and participates in, the improvement of coordinated information programs to insure that major programs and policies of the Agency are effectively and consistently presented and that the public, the aviation community and FAA employees are kept informed of Agency activities.

(6) *Office of International Aviation Affairs.* The Office of International Aviation Affairs assists the Administrator in achieving United States and Agency objectives in international aviation affairs through:

a. Formulation and coordination of policy, plans, programs, and related matters affecting the international activities of the Agency.

b. Provision of guidance and support to all Agency elements having international responsibilities.

c. Overall evaluation of Agency programs and activities in meeting such objectives.

d. Administration of aviation assistance programs conducted by the Agency.

(7) *Office of General Aviation Affairs.* The Office of General Aviation Affairs fosters understanding of the mission and activities of the Agency by the Congress, by members of the executive branch, by State and local government officials, and by organizations, institutions, and associations concerned with aviation. The office advises the Administrator, headquarters elements, and regional officials of views of these groups toward Agency policies and programs and advises on general aviation problems.

(8) *Office of Appraisal.* The Office of Appraisal provides, or arranges for, adequate appraisal of Agency performance.

(9) *Audit Staff.* The Audit Staff provides independent advisory services to the Administrator and other top management and operating officials to assure prudent use and proper protection of resources, confirms the reliability of financial data and integrity of business transactions, identifies opportunities for improvement in operational economy and efficiency and appraises conformity with applicable laws, regulations, and policies.

(10) *Office of Budget.* The Office of Budget ensures that Agency budgetary needs are accurately identified and defined and that they are effectively presented to the Bureau of the Budget and Congressional committees, and that funds appropriated to the Agency are effectively utilized.

(11) *Office of Management Services.* The Office of Management Services promotes operational effectiveness throughout the Agency by developing, implementing, and evaluating Agency management methods, internal controls, administrative systems, and organizational structure.

(12) *Office of Personnel and Training.* The Office of Personnel and Training ensures that the Agency has a modern, progressive personnel management and training program which meets effectively and efficiently the needs of management and employees.

(13) *Office of Compliance and Security.* The Office of Compliance and Security assures the highest possible standards of ethical, trustworthy and nondiscriminatory conduct among employees and representatives, the physical security of information and property; and that investigations meet the needs of the Federal Aviation Agency.

(14) *Office of Headquarters Operations.* The Office of Headquarters Operations provides, under a single managerial responsibility, the personnel, accounting, plant protection and operation

and other administrative and support services required by the Agency headquarters. As used herein, the term Agency headquarters includes those FAA components located in the Washington metropolitan area exclusive of organizations under the jurisdiction of the Eastern Region.

(b) *The services.* The services are concerned with technical direction of the program aspects of the Agency's mission. They provide staff advice in their functional areas to the Administrator and the Deputy Administrator, and to the Associate Administrator for Administration, Associate Administrator for Development and the Associate Administrator for Programs, and give technical advice and direction to the Agency generally. Some services also have responsibility for operations in certain functional areas.

(1) *Air Traffic Service.* The Air Traffic Service develops and recommends national policies and establishes national programs, regulations, standards, and procedures for management of the airspace, operation of air navigation and communications systems and facilities, separation and control of, and flight assistance to, air traffic; provides security control of air traffic to meet the national defense requirements; operates the Agency national and international flight information and cartographic program.

(2) *Flight Standards Service.* The Flight Standards Service promotes safety of flight of civil aircraft in air commerce by developing substantive standards to govern the airworthiness of aircraft, the competence or airmen, the adequacy of flight procedures and air operations, the evaluation of inflight facility performance for compliance with prescribed standards, and the effective development, utilization, and maintenance of the Agency's aircraft fleet.

(3) *Airports Service.* The Airports Service fosters and promotes the development of a national system of airports, as an element of the overall FAA National Airspace System.

(4) *Systems Maintenance Service.* The Systems Maintenance Service develops standards, guidelines and procedures intended to assure that the air navigation, air traffic control, and aeronautical communication systems, facilities, and equipment of the National Airspace System function continuously at acceptable levels of performance, and that maintenance of the system and associated environmental facilities is efficient, economical, and responsive to operational needs, the requirements of aviation safety, and national defense.

(5) *National Airspace System Special Projects Office.* The National Airspace System Special Projects Office directs the implementation of the Agency's National Airspace System (NAS) Air Traffic Control (ATC) Subsystem.

(6) *Systems Research and Development Service.* The Systems Research and Development Service performs the research and development activities required to improve the system design for the National Airspace System; plans, supports, and directs the development programs requirement to specify and implement the design and continued improvement of the System and its components. The service is located both in the Washington headquarters and at the National Aviation Facilities Experimental Center (see paragraph (d) below).

(7) *Aircraft Development Service.* The Aircraft Development Service conducts development programs for aircraft and auxiliary systems to foster the development of civil aviation and for development and service testing of improved aircraft engines, propellers and aircraft equipment. Develops technical information as required in cooperation with other services as a basis for improved safety rules and minimum standards pertaining to the design, materials, construction, operation and performance of aircraft, aircraft engines and equipment.

(8) *Installation and Materiel Service.* The Installation and Materiel Service effectuates the appropriate acquisition, construction, and installation of air navigation, air traffic control, and aeronautical communications facilities of the National Airspace System; and provides for the procurement of real and personal property, transportation, and services in support of all Agency programs, and the management of real and personal property and transportation and participates in the operation of the Defense Materiels Systems by giving priority and allocation support to civil aviation defense-related programs.

(9) *Bureau of National Capital Airports.* The Bureau of National Capital Airports plans, constructs, and operates federally-owned civil airports serving Washington and vicinity.

(c) *The Aeronautical Center.* (1) *General.* The Aeronautical Center, Oklahoma City, consists of the Office of the Center Manager, under the executive direction of the Associate Administrator for Administration, and of tenant organizations, which are detached elements of headquarters services and offices. The primary activities performed at the Center are: centralized training; high and intermediate altitude flight inspection; processing and analysis of flight inspection and other data; heavy maintenance and overhaul of Agency aircraft; maintenance and administration of airman records, including related examination functions; operation of a central material depot, including shops for the modification, rehabilitation and repair of national aerospace system equipment; and aeromedical research.

(2) *FAA Aircraft Registry.* The Aircraft Registry, which administers Parts 47 and 49 of the Federal Aviation Regulations, is maintained at the Aeronautical Center.

(d) *National Aviation Facilities Experimental Center (NAFEC).* Located at Atlantic City, New Jersey, it provides the physical environment for and performs the research, experimentation and evaluation activities required to verify, modify, and update the National Airspace System design. Also located at NAFEC is the Aircraft Services Facility of the Flight Standards Service, a tenant organization which performs aircraft maintenance services on Agency aircraft.

6. The Regional Directors. The regional directors report directly to the Administrator and execute the programs of the Federal Aviation Agency, including assigned international operations, as they apply within the regions.

Subpart C—Location of Principal Offices

1. *Agency Headquarters.*

Address: 800 Independence Avenue SW., Washington, D.C., 20553.

2. *Aeronautical Center.*

Mailing address: Post Office Box 1082, Oklahoma City, Okla., 73101.
Street address: Will Rogers Field, Oklahoma City, Okla.

3. *National Aviation Facilities Experimental Center (NAFEC).*

Mailing address: Atlantic City, N.J., 08405.
Street address: Atlantic City Airport, Pleasantville, N.J.

4. *Regional Headquarters.* The locations, geographic scope of authority, and addresses of the regional headquarters are as follows:

(a) *Eastern Region.* Regional office at Jamaica, Long Island, N.Y. Address: Federal Building, John F. Kennedy International Airport, Jamaica, Long Island, N.Y., 11430. Geographic area: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, Kentucky, and the District of Columbia.

(b) *Southern Region.* Regional office at Atlanta, Ga. Mailing address: Post Office Box 20636, Atlanta, Ga., 30320. Street address: 3400 Whipple Street, East Point, Ga. Geographic area: Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, the Caribbean area, Central America (excluding Mexico), Panama, the Canal Zone, and South America.

(c) *Southwest Region.* Regional office at Fort Worth, Tex. Mailing address: Post Office Box 1689, Fort Worth, Tex., 76101. Street address: Haslet Road, Fort Worth, Tex. Geographic area: Arkansas, Louisiana, Texas, Oklahoma, and New Mexico; Mexico.

(d) *Central Region.* Regional office at Kansas City, Mo. Address: 4825 Troost Avenue, Kansas City, Mo., 64110. Geographic area: Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Montana.

(e) *Western Region.* Regional office at Los Angeles, Calif. Address: 5651 West Manchester Avenue, Los Angeles, Calif., 90009. Geographic area: Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

(f) *Alaskan Region.* Regional office at Anchorage, Alaska. Mailing address: Post Office Box 440, Anchorage, Alaska, 99501. Street address: 632 Sixth Avenue, Anchorage, Alaska. Geographic area: Alaska.

(g) *Pacific Region.* Regional office at Honolulu, Hawaii. Mailing address: Post Office Box 4009, Honolulu, Hawaii, 96812. Street address: 1833 Kalakaua Avenue, Honolulu, Hawaii. Geographic area: Hawaii, Pacific Ocean area west of continental United States, and east of East Pakistan and India, including all free nations south and east of China.

(h) *Europe, Africa, and Middle East.* Office at London, England. Address: American Embassy, 24–32 Grosvenor Square, London, W1, England. Geographic area: Europe,

Africa, and Middle East, including all the free nations west of Burma; Iceland, Bermuda, Greenland, and the Azores.

SUBPART D—DELEGATIONS

1. *General Provisions.* (a) The delegations of authority stated in this subpart are in addition to delegations expressed in the Federal Aviation Regulations. A delegation that is validly outstanding is not to be deemed revoked because it is not stated in this subpart, but the statement of a delegation herein supersedes any earlier statement of the same delegation.

(b) The following provisions apply to all delegations whether listed below or published elsewhere, unless they contain express provisions to the contrary:

(1) The authority delegated in terms to the incumbent of an office is also delegated to any officers identified in the Federal Aviation Act or in this organization statement as exercising executive direction over the delegatee with respect to the subject-matter of the delegation. Subject to compliance with applicable procedure, any such superior of the delegatee may choose to exercise the delegated authority himself in any particular case, or to modify or reverse the action of the delegatee on his own motion.

(2) Delegatees are responsible to their superiors for compliance with internal limitations which may qualify the delegation, but the validity of any action under delegated authority is controlled solely by the scope of the delegation as published.

(3) Unless the delegation or a provision of law or of an FAA regulation expressly limits or prohibits redelegation, the delegatee may redelegate the authority and may authorize successive redelegation to such levels as he may determine. He may at any time limit or cancel any redelegation or the authority to make successive redelegations.

(4) All delegations are subject to amendment or withdrawal, but actions taken under a delegation while it was in force are not affected by subsequent restriction or withdrawal of the authority.

2. *List of delegations.* (a) *The Deputy Administrator.* (1) The Deputy Administrator is authorized to represent the Administrator and to exercise his full authority, except that the Deputy Administrator is not authorized to—

a. Take action where by law, regulation, or order the authority is reserved to the Administrator;

b. Promulgate public rules, regulations, orders, and exemptions other than those specifically listed in delegations of authority to him or to any other officer of the Agency;

c. Submit reports to the President or to the Congress; and

d. Make determinations pursuant to sections 308 and 312 of the Federal Aviation Act, 49 U.S.C. 1349, 1353.

(2) "The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability". Sec. 302(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1342(a).

(b) *The Associate Administrators.* (1) *Delegations to Each Associate Administrator.* Each Associate Administrator is authorized, with respect to all matters within the sphere of his respective responsibility (Subpart B, Paragraph 2), to represent, and to exercise the authority of, the Administrator, except that an Associate Administrator is not authorized to—

a. Exercise line supervision over the regions;

b. Take action where by law, regulation, or order the authority is reserved to the Administrator or Deputy Administrator;

c. Promulgate public rules, regulations, orders, and exemptions other than those specifically listed in delegations of authority to him or to a subordinate over whom he has executive direction;

d. Submit reports to the President or to the Congress;

e. Make determinations pursuant to sections 308 and 312 of the Federal Aviation Act, 49 U.S.C. 1349, 1353.

(2) *Special Delegation to the Associate Administrator for Development.* The Associate Administrator for Development is delegated authority within the sphere of his responsibility, and not regarding the Supersonic Transport Development Program, to—

a. Purchase, rent, lease, or otherwise obtain property or services; and to enter into agreements for transfer of monies, property, real or personal, or any interest therein, coextensive with the authority granted to the Administrator by statute, regulation, or delegation; and

b. Act as agency head within the meaning of Title III of the Federal Property and Administrative Services Act of 1949, as amended.

(c) *The Deputy Administrator for Supersonic Transport Development.* (1) The Deputy Administrator for Supersonic Transport Development is delegated, without power of redelegation, authority to be exercised with respect to the Supersonic Transport Development program, to—

a. Enter into contracts (for purchase, sale or exchange) for research and development, equipment, supplies and services;

b. Act, with respect to the Supersonic Transport Development program, as agency head, as that term is used in, and, for the limited purposes set forth in, Title III of the Federal Property and Administrative Services Act of 1949, as amended; and

c. Be the contracting officer on all existing, executed contracts relating to the Supersonic Transport Development program, with authority to take all appropriate contract actions, including authority to administer, amend, modify, terminate, and make appropriate findings and determinations, and authorize payments; and with authority to designate persons to act as his (contracting officer's) representative within defined areas of responsibility.

(2) The authority delegated herein may be exercised, in the absence of the Deputy Administrator for Supersonic Transport Development, by the officer acting as Deputy Administrator for Supersonic Transport Development, but is not otherwise delegable.

[F.R. Doc. 65-2588; Filed, Mar. 12, 1965; 8:47 a.m.]

[OE Docket No. 65-EA-2]

ARCHDIOCESE OF NEW YORK

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-6024) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Archdiocese of New York, N.Y., proposes to construct a television antenna structure at latitude 41°48'17" N., longitude 74°47'07" W., near Liberty, N.Y. The overall height of the structure would be 2,470 feet above mean sea level (310 feet above ground).

The structure would be located approximately 4 miles west of the Liberty Airport, and within the boundaries of VOR Federal airways Nos. (V) 249 and 34. It would exceed the standards for determining hazards to air navigation as defined in § 77.25(c)(2) of the Federal Aviation Regulations by 270 feet as applied to the airport. It would exceed the standards as defined in § 77.23(a)(2) by 110 feet as applied to the airways.

The structure would require an increase from 3,400 feet to 3,500 feet in the minimum obstruction clearance altitude (MOCA) for the segment of V34 between Hancock VOR and Newberg Intersection.

The aeronautical study disclosed that the structure would not require an increase in instrument flight rules (IFR) minimum en route altitudes and would have no adverse effect upon IFR operations.

The structure would not have an adverse effect upon operations at the Liberty Airport since it would be located beyond the normal airport traffic pattern. In addition, the town of Liberty lies between the airport and the site.

The structure would not be located on a visual flight rules (VFR) route or in an area where there is a significant volume of VFR flying. Since the structure is located in an area of hilly terrain, random VFR flying would normally be accomplished at an altitude high enough above the height of the hills to provide adequate safety above the height of the structure. Under conditions of restricted visibility, VFR aircraft would normally follow the major highway which passes approximately 2.8 miles from the site.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal

is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on March 3, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-2571; Filed, Mar. 12, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF ADMINISTRATION, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Director of Administration, Region VI, during the absence of the Regional Director of Administration, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Administration, Region VI:

1. Chief, Accounting Branch.
2. Training and Personnel Officer.

This designation supersedes the designation effective April 4, 1963 (28 F.R. 3299, April 4, 1963).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 10th day of February, 1965.

[SEAL] ROBERT B. PITTS,
Regional Administrator,
Region VI.

[F.R. Doc. 65-2605; Filed, Mar. 12, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 195]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

FEBRUARY 22, 1965.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		580 kilocycles				
New	Salmon Arm, British Columbia.	1kw	DA-2	U	III	E.I.O. 2-15-66.
		610 kilocycles				
CHNC (now in operation with increased daytime power.	New Carlisle, Province of Quebec.	10kwD/5kwN	DA-1	U	III	
		610 kilocycles				
CKYL (P.O. 610 kc, 1kw DA-N—This notification is a change from that of list number 172 dated July 0, 1962).	Peace River, Alberta	10kwD/1kwN	DA-N	U	III	E.I.O. 2-15-66.
		1140 kilocycles				
CKXL (change in daytime pattern from that notified on List No. 192).	Calgary, Alberta	50kwD/10kwN	*DA-2*	U	II	E.I.O. 2-15-66.
		1220 kilocycles				
New (delete assignment)	Brandon, Manitoba	1kw	DA-N	U	II	
		1220 kilocycles				
CJOC (now in operation with new antenna system).	Lethbridge, Alberta	10kwD/5kwN	DA-N	U	II	
		1340 kilocycles				
CFYK (P.O. 1340 kc, 0.25kw ND).	Yellowknife, Northwest Territory.	*1kw*	ND	U	IV	E.I.O. 2-15-66.
		1340 kilocycles				
New	Revelstoke, British Columbia.	0.25kw	ND	U	IV	Do.
		1400 kilocycles				
Do	Collingwood, Ontario	0.25kw	ND	U	IV	Do.
		1400 kilocycles				
Do	Burns Lake, British Columbia.	0.25kw	ND	U	IV	Do.
		1570 kilocycles				
CKLM (P.O. 1570 kc, 10kw DA-1).	Montreal, Province of Quebec.	10kw	*DA-N*	U	II	Do.

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

[F.R. Doc. 65-2609; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. 15822; FCC 65M-276]

EFFINGHAM BROADCASTING CO.

Order Continuing Hearing

In re application of Effingham Broadcasting Co., licensee of radio station WCRA, Effingham, Ill., Docket No. 15822, File No. BL-10634; for license to cover construction permit for power increase.

Due to circumstances outlined at the prehearing conference as of this date, *It is ordered*, This 10th day of March 1965, that the exchange of exhibits shall be accomplished on or before May 26, 1965, and that the hearing herein now scheduled for April 15, 1965, be and the same is hereby rescheduled for June 9, 1965, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: March 10, 1965.

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

[F.R. Doc. 65-2612; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. 15441; FCC 65M-275]

HUBBARD BROADCASTING, INC.

Order Continuing Hearing

In re application of Hubbard Broadcasting, Inc., St. Paul, Minn., Docket No. 15441, File No. BPH-4167; for construction permit (94.5 mc; #233; 100 kw; 575 ft.).

It is ordered, This 9th day of March 1965, on the Chief Hearing Examiner's own motion, that his order released March 8, 1965 (FCC 65M-268; Mimeo. No. 64694), is amended to provide that hearing in the above-entitled proceeding will commence in the offices of the Commission, Washington, D.C., on March 29, 1965, in lieu of March 15, 1965.

Released: March 10, 1965.

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

[F.R. Doc. 65-2613; Filed, Mar. 12, 1965; 8:49 a.m.]

[Canadian List 196]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes and Corrections in Assignments

MARCH 1, 1965.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CJGX (change in nighttime pattern from that notified on List No. 190).	Yorkton, Saskatchewan.	940 kilocycles 10kw	DA-N	U	II	E.I.O. 2-15-66.
New	Selkirk, Manitoba	1570 kilocycles 0.25kw	ND	U	II	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2610; Filed, Mar. 12, 1965; 8:48 a.m.]

[Dominican Republic Change List 3/64]

DOMINICAN REPUBLIC BROADCASTING STATIONS

Notification of New Stations and Changes In or Deletions of Existing Stations

DECEMBER 31, 1964.

Notification of new Dominican Republic broadcasting stations and of changes in or deletions of existing stations made in conformity with part III, section II of the North American Regional Broadcasting Agreement, Washington, D.C.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
HICD (changes in location and power from Moca, 1kwD/0.25kwN).	La Vega	840 kc/s 1D/.1N	ND	U	III	7-1-65
HIBK (change in power from 1kwD/0.25kwN).	Santo Domingo	770 kc/s 1D/.1N	ND	U	III	9-7-65
HICJ (change in power from 1kw).	San Fco. de Macoris	1210 kc/s 1D/.1N	ND	U	III	6-1-65
HIBN (changes in frequency and power from 750 kc/s, 1kwD/0.25kwN).	Puerto Plata	1580 kc/s .5D/.1N	ND	U	III	7-1-65
HIRV (changes in frequency and power from 1000 kc/s, 1kwD/0.25kwN).	San Pedro de Macoris	1580 kc/s .5D/.1N	ND	U	IV	7-1-65
HIWJ (new assignment)	Samana	1580 kc/s .5D/.1N	ND	U	IV	10-1-65

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2611; Filed, Mar. 12, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-257]

CENTRAL ILLINOIS ELECTRIC AND GAS CO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 26, 1965, Central Illinois Electric and Gas Co. (Applicant), Rockford, Ill., filed in Docket No. CP65-257 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Panhandle) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in the Villages of Camargo and Garrett, Ill., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks two separate physical connections of its proposed lateral transmission facilities with Panhandle's main transmission line at points in Douglas County, Ill., and the sale and delivery of the third year maximum day requirements of Camargo and Garrett of 340 Mcf at such connections.

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

	First year	Second year	Third year
Annual (Mcf)	15,086	26,530	31,157
Peak day (Mcf)	253	296	340

Total estimated cost of Applicant's proposed construction, including transmission facilities and distribution systems, is stated to be $109,660, and will be financed with funds available for construction purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2590; Filed, Mar. 12, 1965; 8:47 a.m.]

[Docket No. CP65-254]

CITY OF BISMARCK, MO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 23, 1965, the City of Bismarck, Mo. (Applicant) filed in Docket No. CP65-254 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Transmission Corp. (Mississippi) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in Bismarck, Mo., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks physical connection of its proposed lateral transmission facilities with the facilities of Mississippi in Desloge, Missouri, and the sale and delivery of the third year maximum day requirements of Applicant of 716 Mcf at such connection.

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

	First year	Second year	Third year
Annual (Mcf)	56,330	63,590	71,650
Peak day (Mcf)	568	641	716

Total estimated cost of Applicant's proposed construction, including transmission facilities and distribution system, is stated to be approximately $255,000, and will be financed with proceeds from the issuance and sale of gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2591; Filed, Mar. 12, 1965; 8:47 a.m.]

[Docket No. CP65-252]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 23, 1965, El Paso Natural Gas Co. (Applicant),

El Paso, Tex., filed in Docket No. CP65–252 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, the acquisition and operation of natural gas facilities, and the sale and delivery of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a measuring station in Maricopa County, Ariz., the acquisition from Arizona Public Service Co. (Arizona) and operation of approximately 4.85 miles of 6⅝-inch pipeline in Maricopa County, Ariz., and the sale and delivery of natural gas to Arizona for resale and distribution in the Palomas Plains area, Maricopa and Yuma Counties, Ariz.

The project as set forth in the instant application contemplates the construction and operation by Applicant of a measuring station at a point adjacent to its California mainline system in Maricopa County, Ariz.; the construction by Arizona of a 6⅝-inch transmission pipeline extending from Applicant's proposed measuring station in a southerly direction a distance of approximately 23.0 miles to the Palomas Plains area, together with distribution facilities necessary to provide natural gas service in the area; the acquisition and operation by Applicant of a segment of the foregoing transmission pipeline, approximately 4.85 miles in length and extending immediately from Applicant's proposed measuring station; and the sale and delivery of gas by Applicant to Arizona at the terminus of the segment to be acquired by Applicant, for resale and distribution in the Palomas Plains area.

The application states that annual and maximum day requirements for the initial 3 full years of proposed service are estimated by Arizona to be 823,600 Mcf and 4,942 Mcf respectively.

Total estimated cost of Applicant's proposed facilities, including the proposed acquisition, is $100,000, and will be financed with current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 5, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–2593; Filed, Mar. 12, 1965; 8:47 a.m.]

[Docket No. CP65–253]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 23, 1965, Florida Gas Transmission Co. (Applicant), Winter Park, Florida, filed in Docket No. CP65–253 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 6.63 miles of 6⅝-inch lateral pipeline in Hillsborough County, Fla., extending from Applicant's 14-inch St. Petersburg lateral to a point of connection with facilities for the receipt of gas to be constructed by Central Phosphates, Inc. (Central).

The application states that Applicant proposes to sell and deliver Central up to 1,500 M^3 Btu of natural gas per day and up to 400,000 M^3 Btu annually, for use in Central's plant now under construction near Crystal Springs, Fla.

Total estimated cost of Applicant's proposed construction is $147,700, and will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 5, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–2594; Filed, Mar. 12, 1965; 8:47 a.m.]

[Docket No. CP65–248]

KANSAS-COLORADO UTILITIES, INC.

Notice of Application

MARCH 8, 1965.

Take notice that on February 23, 1965, Kansas-Colorado Utilities, Inc. (Applicant), Colorado Springs, Colo., filed in Docket No. CP65–248 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 20 miles of 4-inch pipeline extending westwardly from a point of connection with Applicant's 6-inch Hugoton-Lamar main line in Hamilton County, Kans. to a point in Prowers County, Colo. Applicant also proposes to install a check meter at the interconnection of its 6-inch line with the proposed 4-inch line.

The application states that the proposed facilities will be used for the sale of natural gas to Plateau Natural Gas Co. (Plateau) for resale for irrigational purposes.

Total estimated cost of Applicant's proposed construction is $130,000, and will be financed with cash on hand or with funds provided by Plateau, parent company of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 5, 1965.

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

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2595; Filed, Mar. 12, 1965; 8:47 a.m.]

[Docket No. RP65-46]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

MARCH 8, 1965.

Take notice that on March 1, 1965, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) tendered a proposal to reduce, effective as of January 1, 1965, the rates and charges set out in its presently effective tariff. The proposed reduction is the net of the reduction in corporate tax rate from 50 percent to 48 percent, the reduction in the cost of gas purchased from Midwestern Gas Transmission Co. as a result of Commission order issued December 30, 1964, in Docket Nos. RP61-19, et al., and the increase in the cost of gas purchased from Phillips Petroleum Co. as a result of the increased rates filed on February 5, 1965, in Phillips Rate Schedule Nos. 4 and 377. The resultant decrease in Michigan Wisconsin's cost of service is stated to approximate $444,000.

Michigan Wisconsin proposes (1) to file revised tariff sheets to its FPC Gas Tariff to reflect a reduction of 3 cents per Mcf in the demand component of its ACQ-1 rate schedule and a reduction of 0.1 cents per Mcf in its SGS-1 and development rates; (2) to refund to its customers the amount of $93,220 per month for the period commencing December 1, 1964 until the date on which Phillips' proposed increase in rates become effective subject to refund; and (3) to expand the refund provisions set out in Opinion No. 387 to include any reduction subsequently ordered as to the Phillips increased rates filed on February 5, 1965.

Copies of the proposal have been served by Michigan Wisconsin on its customers and on interested State Commissions. Comments may be filed with the Commission on or before March 24, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2596; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. RP65-45]

OHIO FUEL GAS CO.

Notice of Proposed Changes in Tariff Provisions

MARCH 8, 1965.

Pursuant to § 2.59(a) of the Commission's rules of practice and procedure (18 CFR 2.59(a)) notice is hereby given that The Ohio Fuel Gas Co. (Ohio Fuel) on March 1, 1965, filed proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, to become effective on April 1, 1965. The proposed changes consist of additional rate schedules designated CDS-1-PR and CDS-1A-PR (Contract Demand—Partial Requirements) and related changes in present rate schedules and in the General Terms and Conditions of the tariff necessitated by the proposed partial requirements schedules.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before March 23, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2598; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. CP65-247]

OHIO FUEL GAS CO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 19, 1965, The Ohio Fuel Gas Co. (Applicant), Columbus, Ohio, filed in Docket No. CP65-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 11.5 miles of 24-inch pipeline in Knox and Richland Counties, Ohio, together with valves, fittings and incidental facilities, extending Line L-3100 northward from its present terminus in Knox County, Ohio, looping an additional section of Line L-2450.

The application states that the proposed facilities are required in order to enable Applicant to maintain adequate storage input in its Weaver Storage Area during the summer of 1965 and thereafter and to provide adequate service to its northern markets during the winter of 1965-66 and thereafter.

Total estimated cost of Applicant's proposed construction is $975,000, and will be financed through the issuance and sale of promissory notes or common stock to The Columbia Gas System, Inc., parent company of Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before April 5, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2599; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. CP65-255]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 23, 1965, Panhandle Eastern Pipe Line Co. (Applicant), New York, N.Y., and Kansas City, Mo., filed in Docket No. CP65-255 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the sale of additional volumes of natural gas to existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

By the instant filing, Applicant seeks to increase its peak day capacity by approximately 235,000 Mcf per day. Specifically, Applicant seeks authorization to construct and operate: (1) Approximately 196 miles of 30-inch and 36-inch loop pipeline on portions of its main line system in Kansas, Missouri, Illinois, Indiana, Ohio, and Michigan; (2) a total of 27,800 horsepower of compression at its Liberal, Kans., Haven, Kans., Olpe, Kans., Louisburg, Kans., Houstonia, Mo., Centralia, Mo., Tuscola, Ill., and Zionville, Ind., Compressor Stations; (3) 15.4 miles of 10-inch line on its Jefferson City Lateral in Cooper and Monitea Counties, Mo.; 7.2 miles of 12-inch line on its Columbia Lateral in Boone County, Mo.; 15.6 miles of 22-inch line on its Peoria Lateral in Logan and Tazewell Counties, Ill.; 10.3 miles of 10-inch line on its Lincoln-Clifton Lateral in Logan County, Ill.; 11.5 miles of 12-inch line on its Tipton-Kokomo Lateral in Tipton and Hamilton Counties, Ind.; 6.1 miles of 6-inch line on its Defiance Lateral in Defiance County, Ohio; and 1.1 miles of 8-inch line on its Albion Lateral in Calhoun County, Mich.; (4) additional storage facilities, including production and gathering facilities and a total of 4,700 horsepower of compression at its Waverly Storage Field in Morgan County, Ill., and its Howell Storage Field in Livingston County, Mich.; (5) necessary appurtenances in connection with the expansion project as set forth herein and as more fully set forth in the application.

The application states that the proposed expansion program is being undertaken for the purpose of supplying an additional 235,000 Mcf of natural gas per day to Applicant's existing resale customers for the 1965-66 winter season. The application further states that each of the 43 customers participating in this

expansion has signified its desire to purchase the additional volumes of gas from Applicant.

Total estimated cost of Applicant's proposed construction is $40,064,000, and will be financed initially by short term bank loans. Applicant proposes permanent financing through the issuance of approximately $30,000,000 of debentures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before April 5, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2600; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. CP65-258]

TRUNKLINE GAS CO.

Notice of Application

MARCH 8, 1965.

Take notice that on February 26, 1965, Trunkline Gas Co. (Applicant), Houston, Tex., filed in Docket No. CP65-258 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 15.5 miles of 16-inch gathering line and a purchase measuring station, to be located in Brooks County, Tex.

The application states that the proposed facilities are to be used for the measurement of gas to be purchased from the Kelsey Field Area, Tex., and the delivery of such gas to Applicant's existing pipeline.

The application further states that the natural gas involved will be purchased from Humble Oil & Refining Co. pursuant to an agreement between the parties dated January 29, 1965.

Total estimated cost of Applicant's proposed construction is $750,000, and will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (157.10) on or before April 5, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2603; Filed, Mar. 12, 1965; 8:48 a.m.]

[Docket No. CP65-250]

DAHLGREN, ILL.

Notice of Application

MARCH 8, 1965.

Take notice that on February 23, 1965, the Village of Dahlgren, Ill. (Applicant), filed in Docket No. CP65-250 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Trunkline) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in Dahlgren, Ill., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks physical connection of its proposed lateral transmission facilities with Trunkline's facilities in Hamilton County, Ill., and the sale and delivery of the third year maximum day requirements of Applicant of 413 Mcf of gas per day at such interconnection.

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

	First year	Second year	Third year
Annual (Mcf)	30,457	25,929	31,316
Peak day (Mcf)	265	340	413

Total estimated cost of Applicant's proposed construction, including transmission facilities and distribution system, is stated to be $150,000, and will be financed with proceeds from the issuance and sale of gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-2604; Filed, Mar. 12, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1743]

AMERICA AND ISRAEL GROWTH FUND, INC. AND BRAGER & CO.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

MARCH 9, 1965.

Notice is hereby given that America and Israel Growth Fund, Inc. ("Fund"), a Maryland corporation and a registered open-end, diversified investment company, has filed an application under section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act proposed sales from time to time by Brager & Co., 54 Wall Street, New York, N.Y., to the fund of certain State of Israel Bonds. The current prospectus of the fund shows that Brager & Co., a Delaware corporation, with offices in New York, owns all the capital stock of America and Israel Management Corp., the fund's investment adviser. Harry E. Brager, president and a director of the fund, owns approximately 27 percent of the stock of Brager & Co., and is also its president. Accordingly, an exemptive order under section 17(b) is required. All interested persons are referred to the application on file with the Commission for a complete statement of the fund's representations, which are summarized below.

The fund follows a fundamental policy of investing its assets in equity securities of certain American and Israeli issuers. Pursuant to its policies, the fund must invest between 25 percent and 60 percent of its total assets in the securities of Israeli enterprises and only 10 percent of said total assets may be invested in securities of Israeli enterprises traded in the United States. The State of Israel Bonds which the fund desires to purchase (those of the Independence Issue, the Development Issue, and the Second Development Issue) can presently be bought in the United States for less than their par value, the exact differential fluctuating daily. Bonds purchased prior to March 1, 1959, are payable immediately in accordance with their terms providing the proceeds are reinvested in Israeli securities traded on the Tel Aviv Stock Exchange.

The fund anticipates that from time to time it will seek to purchase the aforementioned bonds in the United States for

the purpose of tendering them immediately for payment and reinvesting in Israeli securities in accordance with its policy, thereby taking advantage of the discount obtainable in the United States. The application further states that there are three firms presently making markets in the bonds in question, viz., Carl Marks & Co., Inc., Leumi Securities Corp. and Brager & Co. The fund believes that the supply of the bonds is decreasing as a result of their conversion into other Israeli securities on favorable terms and, therefore, desires to have Brager & Co. as a readily available source of the bonds. The fund is accordingly applying for an exemption permitting Brager & Co. to sell the specified bonds to the fund from time to time on the condition that the fund limit its purchases during any 30-day period to bonds having a par value of $100,000 and on the further condition that the fund satisfy itself that the price it pays is no less favorable than that obtainable elsewhere in the United States. In order to determine the best price available in the United States for the bonds, the fund would consult the daily quotations. The two other dealers mentioned above would be contacted directly before any sale to the fund was executed.

Brager & Co. would charge the fund no commission on sales of the bonds and its only profit would be the spread involved. However, if the bonds were delivered to the fund loco Tel Aviv, Brager & Co. would charge the fund for shipping and handling expenses in an amount not to exceed ½ percent of their face value.

Notice is further given that any interested person may, not later than March 26, 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 (air mail 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. 65–2574; Filed, Mar. 12, 1965; 8:46 a.m.]

[812–1689]

CANADA GENERAL FUND, INC.

Notice of Filing of Application for Order With Respect to Redemption of Shares

MARCH 9, 1965.

Notice is hereby given that Canada General Fund, Inc. ("applicant"), 111 Devonshire Street, Boston, Mass., a Massachusetts corporation and a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant from section 22(e) of the Act. Applicant seeks an exemption to the extent that applicant may be permitted to suspend redemption and postpone the date of payment or satisfaction upon a redemption of its shares for any period during which the Toronto Stock Exchange or the Montreal Stock Exchange is closed, other than the customary weekend and holiday closings, or during which trading on either of such exchanges is restricted, provided, however, that applicable rules and regulations of the Securities and Exchange Commission will govern in determining whether or not trading shall be deemed to have been restricted on the Toronto Stock Exchange or the Montreal Stock Exchange. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.

Applicant, whose investments now consist principally of Canadian securities, anticipates that a majority of its investments will consist of securities listed only on the Toronto Stock Exchange or the Montreal Stock Exchange. For the purpose of determining the net asset value of its shares, applicant values portfolio securities which are traded on the Toronto Stock Exchange or Montreal Stock Exchange at the prices prevailing on those exchanges. The closing of, or restriction of trading on, those exchanges will therefore have a material effect on applicant's ability to meet redemption requirements and to evaluate portfolio securities. Applicant, accordingly, requests the relief hereinabove described.

Notice is further given that any interested person may, not later than March 22, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth 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. 65–2575; Filed, Mar. 12, 1965; 8:46 a.m.]

[File No. 70–4134]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Proposed Intrasystem Merger of Nonutility Gas Pipe Line Co. Into Gas Utility Co. and Related Transactions

MARCH 8, 1965.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated Natural"), 30 Rockefeller Plaza, New York 20, N.Y., a registered holding company, and two of its wholly-owned subsidiary companies, Hope Natural Gas Co. ("Hope") and New York State Natural Gas Corp. ("New York Natural"), have filed a joint application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1965 ("Act"), designating sections 6(a), 7, 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, as amended, on file at the office of the Commission, for a statement of the transactions therein proposed, which are summarized below.

Pursuant to an Agreement and Plan of Merger between Hope and New York Natural, it is proposed to merge New York Natural into Hope and thereafter change the name of Hope to Consolidated Gas Supply Corp. The latter corporation will continue its corporate existence as a West Virginia corporation under Hope's present West Virginia charter and thus will remain subject to the laws of that State.

Hope and New York Natural are two of the six operating subsidiary companies of Consolidated Natural, all of which are engaged in one or more phases of the natural gas business, including the production, purchase, gathering, transmission, storage, distribution, and sale of natural gas and the extraction and sale of by-products. The other four operating subsidiary companies are The East Ohio Gas Co. ("East Ohio"), Lake Shore Pipe Line Co. ("Lake Shore"), The Peoples Natural Gas Co. ("Peoples"), and the River Gas Co. ("River"). A seventh subsidiary company, Con-Gas Service Corp., performs services for the system companies. The six operating

subsidiary companies conduct operations in the States of Ohio, Pennsylvania, New York, Virginia, Louisiana, and West Virginia. At December 31, 1963, the consolidated assets of the system amounted to $896,932,000 and the system's consolidated gross operating revenues for the calendar year 1963 amounted to $416,350,000. With minor exceptions, in the cases of East Ohio and Lake Shore, all of the outstanding securities of the seven subsidiary companies are owned by Consolidated Natural.

Hope, a gas utility company as defined in the Act, is the system's largest producer of gas. It produces gas from its wells in West Virginia and Louisiana; purchases gas from two major nonaffiliated gas transmission companies and from operators of various wells in West Virginia, Virginia, and Louisiana; and maintains and operates five underground storage fields in West Virginia. Hope sells natural gas to East Ohio and River at the Ohio-West Virginia State line, and to Peoples and New York Natural at the Pennsylvania-West Virginia State line. In addition, Hope sells natural gas at wholesale to eighteen small nonaffiliated gas utility companies in West Virginia. At December 31, 1963, Hope's outstanding securities, all owned by Consolidated Natural, consisted of $89,000,000 principal amount of unsecured promissory notes and 665,000 shares of capital stock, par value $100 per share. At the same date, Hope's utility plant, recorded at original cost, amounted to $234,060,000 and related valuation reserves amounted to $65,479,000. For the calendar year 1963, Hope's gross operating revenues amounted to $102,185,000.

New York Natural, a New York corporation and a nonutility company, produces, purchases, stores, transports, and sells natural gas for resale. It does not distribute gas at retail. New York Natural has the system's largest underground natural gas storage capacity and obtains its principal supplies of gas through purchases from Hope and from three major nonaffiliated gas transmission companies. Its transmission properties are connected with those of Hope at the Pennsylvania-West Virginia State line and extend in a northeasterly direction through Pennsylvania to points in the State of New York near Buffalo, Rochester, and Albany. It sells natural gas to its associate companies, East Ohio and Peoples, but the major portion of its sales is made at wholesale to nonassociate companies in the States of Pennsylvania and New York. At December 31, 1963, New York Natural's outstanding securities, all owned by Consolidated Natural, consisted of $90,500,000 principal amount of unsecured promissory notes and 405,000 shares of capital stock, par value $100 per share. At the same date, New York Natural's gas plant, recorded at original cost, amounted to $201,726,000 and related valuation reserves amounted to $56,053,000. For the calendar year 1963, New York Natural's gross operating revenues amounted to $107,725,000.

To effectuate the proposed merger, Hope will increase its authorized shares of capital stock, par value $100 per share, from 800,000 to 1,200,000 shares and will issue and sell 405,000 shares of authorized but unissued stock to Consolidated Natural in exchange for the 405,000 shares of New York Natural held by Consolidated Natural. After giving effect to the merger, Hope, as the surviving company, will have a total of 1,070,000 shares of capital stock issued and outstanding, all owned by Consolidated Natural. On the effective date of the merger, Hope will become the owner of all of New York Natural's assets and will assume all of its liabilities, including the $90,500,000 principal amount of unsecured notes payable to Consolidated Natural. Such assets and liabilities will be recorded on the books of Hope at the amounts carried on the books of New York Natural.

After the merger, Consolidated Gas Supply Corp. will be operated as one interstate gas supply company, the facilities of which will extend from West Virginia to the vicinities of Buffalo, Rochester, and Albany, N.Y. It will continue the present interstate wholesale sales (except to New York Natural) subject to the jurisdiction of the Federal Power Commission, and will continue its wholesale and retail sales in West Virginia in the name of Hope Natural Gas Co., as a division of Consolidated Gas Supply Corp., subject to the jurisdiction of the Public Service Commission of West Virginia. All such sales will be made under currently effective gas tariffs.

The filing states that the merger, among other things, will simplify regulatory procedures, eliminate many intercompany transactions, and effectuate certain economies.

The aggregate fees and expenses to be incurred in connection with the proposed transactions are estimated at $259,137, consisting of Federal issue and transfer taxes of $103,000, State taxes and fees of $17,137, system service company charges (at cost) of $125,000, counsel fees of $9,000, and miscellaneous expenditures of $5,000.

The proposed merger has been approved by the Public Service Commission of West Virginia and by the Federal Power Commission, and copies of the respective orders have been supplied by amendment. It is represented that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The status of the holding-company system of Consolidated Natural in relation to the integration requirements of Section 11(b)(1) of the Act has not been determined. In its Findings, Opinion, and Order of October 11, 1943 (Standard Oil Co. (New Jersey) et al., 14 S.E.C. 342 and Holding Company Act Release No. 4617) issued in respect of a section 11(e) plan involving, among other things, the organization of Consolidated Natural and its acquisition of the capital stocks of five operating subsidiaries, the Commission specifically reserved jurisdiction:

> With respect to the status of the holding company system of Consolidated Natural Gas Co. under section 11(b) of said Act, including the right to order Consolidated Natural Gas Co. in any appropriate proceeding to take such action as may be required under that section.

In recognition of the foregoing reservation, Consolidated Natural, Hope, and New York Natural have stipulated and agreed in the present filing that (1) if the Commission authorizes the proposed merger, the parties hereto will not, in any proceeding that may hereafter be instituted by the Commission under section 11(b)(1) of the Act, take any position or make any argument to the effect that the Commission will have prejudiced or lost its jurisdiction, power or authority to order the divestment of any interest in any portion of the property now owned by New York Natural or Hope because of the fact that such properties would then be owned by Hope, and (2) the parties consent to the inclusion in the Commission's order entered herein of a reservation of full jurisdiction, power and authority under section 11(b)(1).

Notice is further given that any interested person may, not later than March 25, 1965, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

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

[F.R. Doc. 65-2576; Filed, Mar. 12, 1965; 8:46 a.m.]

[File No. 70-4255]

PHILADELPHIA ELECTRIC POWER CO. AND SUSQUEHANNA POWER CO.

Notice of Filing of Application-Declaration Regarding Debentures and Common Stock

MARCH 9, 1965.

In the matter of Philadelphia Electric Power Co., The Susquehanna Power Co., 1000 Chestnut Street, Philadelphia, Pa., 19105, File No. 70-4255.

Notice is hereby given that Philadelphia Electric Power Co. ("Power"), a registered holding company and a subsidiary company of Philadelphia Elec-

tric Co., an exempt holding company, and Power's wholly-owned electric utility subsidiary company, The Susquehanna Power Co. ("Supco"), have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Applicants-declarants state that sections 6(a), 6(b), 7, 9(a) and 10 of the Act and Rules 43 and 50 promulgated under the Act are applicable to the proposed transactions. All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the proposed transactions, and facts pertinent thereto, which are summarized as follows:

Power proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $25,000,000 principal amount of Sinking Fund Debentures, __ percent Series, due in 1995. The rate of interest on the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to the company therefor (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be fixed by the competitive bidding. The debentures will be issued under and pursuant to the provisions of a Debenture Indenture dated as of March 1, 1965, with The Philadelphia National Bank, as Trustee. The debentures will be guaranteed as to principal and interest by Supco.

Supco proposes to issue and Power proposes to acquire 550,000 additional no par value shares of Supco's authorized but unissued common stock, of which 50,000 shares will be sold to Power for $2,000,000 in cash, or $40 per share, and 500,000 shares will be issued at the same price per share to liquidate $20,000,000 of advances heretofore made by Power to Supco for construction.

Power and Supco are co-licensees of facilities known as the Conowingo Hydro-electric Project ("Project") under a 50-year license granted by the Federal Power Commission in February 1926. Supco, a Maryland corporation, owns the portion of the facilities situated in Maryland, including the dam and generating units; and Power, a Pennsylvania corporation, owns the properties situated in Pennsylvania, including the transmission lines in that State. The facilities owned by Power are leased to Philadelphia Electric Co., and those owned by Supco are leased to The Susquehanna Electric Co. ("Susquehanna Electric"), a wholly owned subsidiary company of Philadelphia Electric Co. Susquehanna Electric sells substantially all of the energy output of the Project to Philadelphia Electric Co. Under the related lease agreements, Power and Supco receive rental payments in amounts sufficient to reimburse those companies for all their expenses, depreciation charges, and taxes, and to provide a return of 5.4 percent on the net investment, as defined, of each company. The agreements require the continuation of rental payments during the entire term of the present license or any renewals or extensions thereof that may be granted to the present licensees. It is represented that the present licensees and their parent company, Philadelphia Electric Co., will make every effort to obtain a new license from the Federal Power Commission in 1976 so as to retain the Project in the Philadelphia Electric Co. system, which is stated to be heavily dependent on the output of the Project.

The Project, formerly containing seven electric generating units, was enlarged in the spring of 1964 upon completion and placing in service of four additional units. Funds for the construction of the additional units were obtained by Power through bank borrowings evidenced by notes which now aggregate $20,000,000, and mature March 31, 1965.

Power will use the proceeds from the sale of the debentures (a) to pay the $20,000,000 principal amount of outstanding notes to banks; (b) to repay $3,000,000 of advances heretofore made by Philadelphia Electric Co. to Power; and (c) to purchase additional shares of Supco's common stock for $2,000,000, as heretofore mentioned. Supco will use such cash for future additions and improvements at the Project.

The proposed debentures, which will be limited to $25,000,000 principal amount, will be issued in registered form only. The indenture provides for an annual sinking fund of $800,000 in cash, or principal amount of debentures, which is designed to retire approximately 60 percent of that issue prior to maturity thereof. The sinking fund on the debentures will commence in 1976, at which time Power's First Mortgage Bonds ("Bonds"), outstanding in the principal amount of $13,645,000 at December 31, 1964, are due to be fully retired through operation of the sinking fund applicable thereto. The debenture indenture also provides, among other things, that so long as any debentures are outstanding (i) neither Power nor Supco will incur any additional Funded Indebtedness (defined as any borrowings maturing in more than one year) unless, after giving effect thereto, the total consolidated Funded Indebtedness does not exceed 67 percent, and the consolidated common stock equity is not less than 33 percent, of the capitalization of both companies consolidated; (ii) that no additional Bonds may be issued on the basis of property additions except property additions acquired or constructed after the date of the debentures; and (iii) that no cash dividends or other distributions on Power's common stock shall be made after December 31, 1964 in an aggregate amount exceeding its earned surplus accumulated after that date.

The fees and expenses to be incurred by the applicants-declarants in connection with the proposed transactions are estimated at an aggregate of $93,000, including Trustee's charges of $12,000, accountants fees of $4,500, and counsel fees of $3,150. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders for the debentures, are to be supplied by amendment.

Applicants-declarants state that they believe the Pennsylvania Public Utility Commission has jurisdiction over Power's issuance and sale of debentures, and over Power's acquisition of the common stock of Supco; and that the Maryland Public Service Commission has jurisdiction over Supco's issuance and sale of its common stock, the acquisition thereof by Power, and Supco's guarantee of the debentures. Appropriate orders of such commissions are to be made a part of the record by amendment.

Notice is further given that any interested person may, not later than March 25, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act; or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-2577; Filed, Mar. 12, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 9, 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. 39618—*Canned or preserved foodstuffs from and to points in WTL Territory.* Filed by Western Trunk Line Committee, Agent (No. A-2394), for interested rail carriers. Rates on canned or preserved foodstuffs, in carloads, between points in Colorado and Wyoming, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 13 to Western Trunk Line Committee, Agent, tariff I.C.C. A-4530.

FSA No. 39619—*Paper and paper articles to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B–8702), for interested rail carriers. Rates on paper and paper articles, in carloads, from specified points in Virginia, to points in southwestern territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 109 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4340.

FSA No. 39620—*Cotton NOIBN or burnt cotton to Montmorency, Que., Canada.* Filed by Southwestern Freight Bureau, Agent (No. B–8705), for interested rail carriers. Rates on cotton, NOIBN or burnt cotton, in bales, in carloads, from points in southwestern territory, to Montmorency, Que., Canada.

Grounds for relief—Rate relationship.

Tariff—Supplement 20 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4576.

FSA No. 39621—*Liquid caustic soda to Coosa Pines, Ala.* Filed by O. W. South, Jr., Agent (No. A–4644), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Charleston, Dock, Elk, Owens, South Charleston and South Ruffner, W. Va., to Coosa Pines, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 157 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C–102.

FSA No. 39622—*Bituminous coal to points in Indiana.* Filed by Illinois Freight Association, Agent (No. 272), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum weight of 750 tons of 2,000 pounds per shipment, from mine origins on the C&EI RR in Brazil-Clinton, Linton, and Princeton, Ind., groups, to Mishawaka, Notre Dame, and South Bend, Ind.

Grounds for relief—Natural gas competition.

Tariff—Supplement 34 to Illinois Freight Association, Agent, tariff I.C.C. 999.

FSA No. 39623—*Common salt from saline and Promontory Point, Utah.* Filed by Trans-Continental Freight Bureau, Agent (No. 426), for interested rail carriers. Rates on common salt, in carloads, from Saline and Promontory Point, Utah, to points in Nebraska and South Dakota.

Grounds for relief—market competition, modified short-line distance formula and grouping.

Tariffs—Supplement 7 to Denver and Rio Grande Western Railroad Co., tariff I.C.C. 1079 and supplement 18 to Union Pacific Railroad Co., tariff I.C.C. 5541.

FSA No. 39624—*Iron or steel articles to Delcambre and Houma, La.* Filed by Southwestern Freight Bureau, Agent (No. B–8704), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in Alabama, Colorado, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, to Delcambre and Houma, La.

Grounds for relief—Market competition.

Tariff—Supplement 114 to Southwestern Freight Bureau, Agent, tariffs I.C.C. 4503.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–2585; Filed, Mar. 12, 1965; 8:46 a.m.]

[Notice 1137]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67537. By order of March 9, 1965, the Commission Division 3, acting as an Appellate Division approved the transfer to Sam N. Cole, doing business as Alabama-Georgia Express, Birmingham, Ala., of portion of the operating rights issued by the Commission November 1, 1955, under Certificate No. MC–73464, to Jack Cole Co., a corporation, Birmingham, Ala., authorizing the transportation, over irregular routes, of general commodities, except explosives, and commodities requiring special equipment, between Birmingham, Ala., and points within 15 miles of Birmingham, on the one hand, and, on the other, points in Georgia on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line; and cast iron articles, from Gadsden and Anniston, Ala., to points in Georgia on and west of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 41 to Atlanta, Ga., and thence along U.S. Highway 29 to the Georgia-South Carolina State line, with no transportation for compensation on return except as otherwise authorized. Thomas Harper, Post Office Box 43, Fort Smith, Ark., attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–2587; Filed, Mar. 12, 1965; 8:47 a.m.]

[Rev. S.O. 562; Taylor's I.C.C. Order 184–A]

VALDOSTA SOUTHERN RAILROAD

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 184 (Valdosta Southern Railroad) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 184, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 3 p.m., March 9, 1965.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 9, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 65–2586; Filed, Mar. 12, 1965; 8:47 a.m.]

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