FEDERAL REGISTER

VOLUME 30 • NUMBER 98

Friday, May 21, 1965 • Washington, D.C.

Pages 6899–6933

Agencies in this issue—

Agriculture Department
Alien Property Office
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Federal Aviation Agency
Federal Home Loan Bank Board
Federal Maritime Commission
Food and Drug Administration
Immigration and Naturalization Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Public Housing Administration
Securities and Exchange Commission

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Announcing a New Statutory Citations Guide

How to Find U.S. Statutes and U.S. Code Citations

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives

Order from Superintendent of Documents, U.S. 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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PART 213—EXCEPTED SERVICE

Interstate Commerce Commission

Section 213.3122 is amended to show that the position of Congressional Liaison Officer is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, the headnote and paragraph (a) of § 213.3122 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 65-5360; Filed, May 20, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show that the positions of Assistant Commissioner (Program Planning) and Assistant Commissioner (Operations and Standards), Community Facilities Administration, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (35) and (36) of paragraph (a) of § 213.3344 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

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

[F.R. Doc. 65-5359; Filed, May 20, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Plum Order 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades

§ 917.353 Plum Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State 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 of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 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 the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01, P.s.t., November 1, 1965, no shipper shall ship any lot of packages or containers of any variety of plums unless such plums grade at least U.S. No. 1.

(2) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Plums and Prunes (§§ 51.1520–1537 of this title), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

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

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5361; Filed, May 20, 1965; 8:49 a.m.]

[Plum Order 2]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.354 Plum Order 2. (Beauty)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State 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 of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 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 the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums, and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order*. (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship from any shipping point during any day any package or container of Beauty plums, except to the extent otherwise permitted under this paragraph, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of such plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided*, That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5362; Filed, May 20, 1965; 8:49 a.m.]

[Plum Order 3]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.355 Plum Order 3. (Burmosa)

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreemnt Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 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 the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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, shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order*. (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Burmosa plums, except to the extent otherwise permitted by this paragraph, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this

paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided*, That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the revised U.S. Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5363; Filed, May 20, 1965; 8:49 a.m.]

[Plum Order 4]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.356 Plum Order 4. (Santa Rosa)

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State 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 of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further 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 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 the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. 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; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order*. (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Santa Rosa plums unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5364; Filed, May 20, 1965; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

OFF-GRADE AND OTHER FAILING RAISINS AND RAISINS RESIDUAL MATERIAL

Notice was published in the April 3, 1965, issue of the FEDERAL REGISTER (30 F.R. 4361) regarding a proposal based upon the recommendation of the Raisin Administrative Committee, to amend certain provisions of the Subpart—Administrative Rules and Regulations with respect to the exemption, reporting, receipt, acquisition, and disposition of off-grade raisins, other failing raisins, and raisin residual material. The subpart is operative pursuant to the marketing agreement, as amended, and this part (Order No. 989, as amended), herein referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendation submitted by the Raisin Administrative Committee, and other available information, it is hereby found that the amendment, as hereinafter set forth, of the administrative rules and regulations is in accordance with the order and will tend to effectuate the declared policy of the act. As part of this amendatory action, § 989.159(g)(2) has been recodified for purposes of simplification.

Therefore, it is ordered, That the Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) be, and the same hereby is, amended as follows:

1. Paragraph (g)(2) of § 989.159 is revised to read:

§ 989.159 Regulation of the handling of raisins subsequent to their acquisition.

* * * * *

(g) *Disposition of off-grade raisins and raisin residual material*—* * *

(2) *Shipment of raisins which fail to meet minimum grade standards.* (i) Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins, or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue). As used in this part, "other failing raisins" means any raisins acquired by a handler as standard raisins, and any raisins acquired as off-grade raisins and processed to a point where they qualify as packed raisins, but which fail to meet the applicable grade and condition standards for shipment or final disposition as raisins. Any handler may ship or otherwise dispose of off-grade raisins, other failing raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible non-normal outlets only after filing with the Committee a written application to make such shipment or other disposition and receiving its written approval thereof. However, the requirements of prior filing and approval of any such application shall not apply to: (*a*) The transfer of any such raisins or material by a handler from one of his plants to another of his plants in the State of California; (*b*) any interpacker transfer or removal of off-grade raisins made in accordance with § 989.158(c)(3) or (6); (*c*) any return by a handler of unstemmed off-grade raisins to the tenderer in accordance with § 989.158(c)(7); (*d*) any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by any handler to a processor within the State of California for use, within the State, in eligible non-normal outlets; and (*e*) any direct use by the handler of such raisins or material in eligible non-normal outlets within the State of California.

(ii) Each such application shall, in addition to the agreement specified in subdivision (iii) of this subparagraph, include as a minimum: (*a*) The names and addresses of the handler, the buyer, the consignee, and the user; (*b*) the quantity of off-grade and other failing raisins and the quantity of raisin residual material to be shipped or otherwise disposed of; (*c*) a description of such off-grade raisins and other failing raisins and raisin residual material, as to type or origin; (*d*) the present location of such raisins and raisin residual material; (*e*) the particular use to be made of the raisins; and (*f*) a copy of the sales contract, which may be on a form furnished by the Committee, wherein the buyer agrees:

(*1*) Not to ship such raisins or raisin residual material to points outside the continental United States or to Alaska;

(*2*) To dispose of the raisins or raisin residual material only for uses in eligible non-normal outlet(s); and

(*3*) To permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to such raisins and residual material.

When the use or the name and address of the consignee or user are not known by the handler, the handler shall arrange for the submission of such information to the Committee.

(iii) Each such application shall also include a provision for liquidated damages wherein the handler in consideration of the Committee approving his application agrees that in the event any raisins or raisin residual material covered by the approved application should be shipped to points outside of the continental United States or to Alaska, or disposed of in other than eligible non-normal outlets, by any person, it will cause serious and substantial damage to the Committee and to the producers and handlers of raisins and it will be difficult, if not impossible, to prove the extent of such damage, and therefore he (the handler) shall pay to the Committee the sum of $200 as liquidated damages for each ton so shipped or disposed of, such sum being a fair measure of damages and not a penalty.

(iv) The Committee shall notify the applicant in writing of its approval action. In acting on an application, the Committee may disapprove the application when: (*a*) The application is incomplete, or any required information has not been submitted; (*b*) the Committee has cause to believe that the raisins or raisin residual material covered by the application will not be shipped or disposed of in accordance with the application; or (*c*) the handler, or any of the parties involved in the proposed shipment or disposition, had shipped or made disposition or use of raisins or raisin residual material covered by a previously approved application inconsistent with that application. When the use or the name and address of the user or consignee are not known to the handler, the Committee shall not approve the application until it has been informed as to such use and user and consignee of the raisins or residual material.

(v) The Committee may, for cause, revoke any previously approved application of a handler if the handler, buyer, consignee or user covered by the application has shipped or made disposition inconsistent with any approved application. The Committee shall notify the handler in writing of such revocation.

(vi) The handler shall furnish the Committee with a copy of the shipping document or other documentary evidence of the disposition as may be satisfactory to the Committee and at such times as the Committee may direct.

* * * * *

2. Section 989.160 is revised to read:

§ 989.160 Exemptions.

Any processor may receive or acquire any raisins for use in eligible non-normal outlets, and dispose of them for such use, without having them inspected and certified. Processors receiving or acquiring raisins under such exemption, or otherwise receiving or acquiring raisins which do not meet the applicable minimum grade and condition standards, shall not ship or otherwise dispose of any such raisins except in conformity with the provisions of § 989.159(g)(2). Processors shall report receipts and acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

3. The provisions of paragraphs (b)(6), (c)(2), and (d)(2) of § 989.173 are revised to read:

§ 989.173 Reports.

* * * * *

(b) *Report of raisins received or acquired*— * * *

(6) *Monthly report of raisins received or acquired by processors.* Each processor who receives or acquires off-grade raisins, or who avails himself of the exemptions from the grade and inspection requirements provided in §§ 989.58, 989.59(f), and 989.160 and receives or acquires raisins or raisin residual material, shall submit to the Committee on or before the seventh day of each month a report of such raisins, raisin residual material, and off-grade raisins received or acquired during the preceding month. Each report shall show for each varietal type, each receipt, and each acquisition thereof:

(i) The name and address of the handler, producer, or other persons from whom such raisins or raisin residual material was received or acquired;

(ii) The date of the receipt or acquisition;

(iii) The net weight of such raisins and raisin residual material in each receipt and in each acquisition; and

(iv) The ultimate disposition made or to be made of such raisins and raisin residual material.

(c) *Reports of disposition*— * * *

(2) *Disposition by handlers (other than processors) of off-grade raisins, other failing raisins, and raisin residual material.* Each handler who is not a processor shall submit to the Committee on or before the seventh day of each month a report of all shipments and other dispositions made during the preceding month of off-grade raisins, other failing raisins, and raisin residual material. Such report shall be submitted on a form furnished by the Committee and shall include the following information:

(i) Date of each shipment and other disposition;

(ii) Name and address of each buyer and receiver; and

(iii) Description and net weight of the raisins and raisin residual material in each shipment or other disposition.

* * * * *

(d) *Reports of interhandler transfers*— * * *

(2) *Off-grade tonnage*. Any handler who transfers off-grade raisins or other failing raisins to another handler, other than a processor, within the State of California shall, prior to making such transfer, submit to the Committee (on forms furnished by it) a plan of movement showing:

(i) The intended date of transfer;

(ii) The location of the raisins, the name and address of the receiving handler, and the location of the plant of the receiving handler;

(iii) The name and address of the tenderer of each lot included in the transfer, and the inspection certificate number applicable to the lot;

(iv) The varietal type, net weight, and condition of such raisins; and

(v) An attachment, when applicable, indicating the tenderer's agreement to the transfer. Two copies of the plan, as approved by the Committee, shall accompany the transfer to the receiving handler, on one of which the receiving handler shall certify to the acceptance and receipt of such raisins and submit it to the Committee.

* * * * *

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) This action mainly modifies and relieves restrictions on the disposition of off-grade raisins and other failing raisins; (2) changes which do not specifically relieve restrictions are necessary so as to conform requirements to the less restrictive regulations; and (3) no useful purpose would be served by delaying the effective time hereof.

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

Dated: May 17, 1965, to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 65-5345; Filed, May 20, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

Sec.
1425.1 General statement.
1425.2 Administration.
1425.3 Application.
1425.4 Producer ownership and control.
1425.5 Articles or bylaw provisions.
1425.6 Financial condition.
1425.7 Operations.
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1425.9 Uniform marketing agreement.
1425.10 Purchased and nonmember commodity.
1425.11 Member business.
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1425.14 Distribution of proceeds.
1425.15 Member associations.
1425.16 Non-discrimination.
1425.17 Records maintained.
1425.18 Inspection and investigation.
1425.19 Determination of eligibility.
1425.20 Definitions.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 63 Stat. 1051 as amended; secs. 301, 401, 63 Stat. 1053; secs. 203, 301, 401, 63 Stat. 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441, 1444, 1446d, 1447.

§ 1425.1 General statement.

This subpart and any amendments thereto set forth the requirements for eligibility of a cooperative marketing association (hereinafter referred to in this subpart as "association") to obtain price support collectively on behalf of its members on any commodity of a crop for which a price support program is in effect if regulations are issued with respect to such program incorporating the provisions of this subpart.

§ 1425.2 Administration.

(a) *Responsibility*. The Farmer Programs Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC. In the field, the provisions of this subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees and, where applicable, the Agricultural Stabilization and Conservation Service Commodity Office.

(b) *Limitation of authority*. The authority conferred by this subpart to administer provisions contained herein does not include authority to modify or waive any of the provisions of this subpart.

§ 1425.3 Application.

An association required to be approved under this subpart in order to be eligible for price support shall submit an application for a determination of eligibility for each year for which it desires approval. The association shall forward its application, together with such information as may be required by such application and this subpart to the State committee of the State where the association's principal office is located. Applications shall be submitted not later than the applicable dates stated in this section with respect to each of the commodities listed herein, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship:

Commodity	Date
Cotton	Aug. 1.
Dry edible beans	Do.
Honey	July 1.
Rice	Aug. 1.
Soybeans	Sept. 1.
Tung oil	Oct. 1.

The latest date for filing application with respect to other commodities not listed herein which incorporate the provisions of this subpart in their program regulations will be stated in such regulations.

§ 1425.4 Producer-ownership and control.

The association shall be a producer-owned and producer-controlled cooperative marketing association.

(a) *Ownership*. For an association to be producer-owned, producer-members of the association, or other bona fide cooperative associations owned and controlled by their producer members, shall own more than 50 percent of the association's equity capital.

(b) *Control*. For an association to be producer controlled, the organization and operation of the association shall be under the control of its members who are producers or of bona fide cooperative associations which in turn are under the control of members who are producers. The association shall submit with its application a detailed statement of its organization and method of operation and such other information as may be required by the Executive Vice President, CCC, showing the manner in which producer control is exercised.

§ 1425.5 Articles or bylaw provisions.

The articles of incorporation or association, the bylaws of the association or the statute under which the association is incorporated or operates shall provide for each of the requirements of this section, except that the requirements of paragraphs (d), (e), (h), and that part of paragraph (a) of this section providing that the annual meeting must be at a location which will provide members or their delegates a reasonable opportunity to attend and participate, may be provided for by resolution of the board of directors.

(a) *Annual meeting*. The association shall hold an annual meeting of members or delegates at one or more locations within its operating area which will afford a reasonable opportunity for all members, or their delegates if the association has such manner of annual meeting, to attend and participate.

(b) *Notice of meetings*. Each member or delegate, as the case may be, shall be given written notice of the time, place, and purpose of all regular and special meetings of members or delegates.

(c) *Open membership*. The association shall admit to membership every farmer-producer who applies for admission thereto for the purpose of participating in the activities of the association except that the association may refuse admission to an applicant on its finding, based on reasonable grounds, that his admission would prejudice the interests or hinder or otherwise obstruct the purposes of the association.

(d) *Nominations*. Nominations for election of delegates and directors may

be made by secret balloting, nominating committee or petition of members. Nominations for election of officers may be made by secret balloting or by nominating committee. In any event, nominations shall be permitted by any member from the floor at the meeting for the election of delegates and directors, and by any director at the meeting for election of officers.

(e) *Secret ballot.* Voting for election of directors, delegates and officers shall be by secret ballot when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting rights.* Each member of the association shall have a single vote regardless of the number of shares of stock owned or controlled by him, except that the Executive Vice President, CCC, may, in his discretion, approve some other voting method which in his opinion will adequately protect the interests of the members of the association.

(g) *Proxy or power of attorney.* Voting by proxy or under power of attorney shall not be permitted.

(h) *Financial statement.* Each member shall be given each year a summary financial statement based on an annual audit by an independent public accountant of the books and accounts of the association.

§ 1425.6 Financial condition.

An association shall be financially able to make advances to its members and market their commodity. It shall submit with its application evidence establishing that its operation is on a financially sound basis.

§ 1425.7 Operations.

An association shall establish to the satisfaction of the Executive Vice President, CCC, that it is so organized and staffed by individuals employed directly by it that it is able to perform its contracts with its members and to provide an effective marketing operation for its members.

§ 1425.8 Conflict of interest.

(a) *Transactions detrimental to members.* The association shall not be eligible for price support unless it establishes to the satisfaction of CCC that any transactions described in this section have not operated and will not operate to the detriment of members of the association.

(b) *Association transactions.* The association shall submit with its application a detailed report concerning all of its transactions with the following persons during the year preceding the date of its application, except those transactions which do not differ from transactions entered into by the association with its general membership:

(1) With any director, officer, or principal employee of the association or with any of his close relatives;

(2) With any partnership in which any such person or any of his close relatives is entitled to receive a percentage of the gross profits;

(3) With any corporation in which any such person, or any of his close relatives own stock;

(4) With any business entity from which any such person or any of his close relatives receives fees for transacting business with or on behalf of the association, or

(5) With any business entity in which an agent, director, officer, or employee of the association was an agent, director, officer or employee of such business entity.

A close relative means a husband or a wife or a person related as child, parent, brother, or sister, by blood, adoption, or marriage, and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, handling, marketing, transportation, warehousing, and related activities.

(c) *Contemplated transactions.* The association shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application and the end of the marketing year for which approval is requested. If any such transaction is contemplated, the association shall submit a detailed statement of the reasons therefor.

§ 1425.9 Uniform marketing agreement.

Any commodity on which price support is obtained, and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the association by its members pursuant to a uniform marketing agreement between the association and each of its members who delivered such commodity to the association.

§ 1425.10 Purchased commodity where producer does not share in marketing proceeds and commodity acquired from nonmembers.

Any commodity purchased from members who do not retain the right to share in the proceeds from marketing of such commodity as provided in §§ 1425.13 and 1425.14, and any commodity acquired from nonmembers is not eligible for price support.

§ 1425.11 Member business.

If price support is sought for a commodity of a particular crop, not less than 80 percent of the commodity of that crop that is acquired by or delivered to the association for marketing must be produced by its members or by members of its member associations. Purchases by the association from CCC shall not be considered in determining the volume of member and nonmember business.

§ 1425.12 Vested authority.

The association shall have authority to obtain a loan on the security of the commodity delivered to it by its members and to give a lien thereon and authority to sell such commodity.

§ 1425.13 Eligible commodity and pooling.

The association may obtain price support only on the portion of the eligible commodity received from its eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase. The association may establish separate pools for quantities of a commodity acquired from its members. If the association has obtained price support from CCC on any part of the commodity included in a pool, all of the commodity included in such pool must be eligible for price support. Allocations of costs and expenses as between separate pools shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing a commodity not included in a pool on which price support is obtained from CCC shall not be assessed against the proceeds of marketing of a pool on which price support was obtained. CCC may approve an exception to the foregoing requirements upon written request by the association if the Executive Vice President, CCC, determines that the approval of such request will result in equitable treatment of producers and is in accord with the purposes of the price support program.

§ 1425.14 Distribution of proceeds.

If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool ratably on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool or on such other fair and reasonable basis as the Executive Vice President, CCC, may approve. The association shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. Such method shall assure CCC that proceeds obtained through price support shall not accrue to persons other than eligible producer members.

§ 1425.15 Member associations.

Notwithstanding the requirements of § 1425.4, an association otherwise eligible for price support which includes in its membership other cooperative marketing associations composed of producer-members shall be eligible for price support if the applicant association and its member cooperative marketing associations meet the requirements of this section:

(a) Each member cooperative marketing association must have the right to deliver the applicable commodity of its members to the applicant association. Such member association must also have authority to sell a commodity received from its members, obtain a loan on the security thereof and give a lien thereon;

(b) In its charter, bylaws, marketing agreements or by other legal means, the applicant association must require its member cooperative marketing associations to meet the requirements of this subpart;

(c) The association must determine that its member cooperative marketing associations are eligible for price support under this subpart and shall submit a certification with its application for approval that its members are eligible under this subpart.

§ 1425.16 Nondiscrimination.

The association shall not, on the ground of race, color, or national origin, deny any producer the benefits of, exclude him from participation in, or otherwise subject him to discrimination with respect to, any benefits resulting from its approval to receive price support and shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and the Secretary's regulations issued thereunder, appearing in §§ 15.1–15.12 of this title (29 F.R. 16274), and any amendments thereto. The association agrees that the United States shall have the right to enforce compliance with such statute and regulations by suit or by any other action authorized by law. The association shall submit a certification with its application that the above cited regulations have been read and understood and that the association will abide by them.

§ 1425.17 Records maintained.

The association and its member associations, if any, shall maintain a record which shows the quantity of the commodity eligible for price support received from each of its members, the date(s) and place(s) the commodity was received, the quality factors specified in the applicable regulations for the commodity (including class, variety, grade, and quality where applicable), and the quantity to which each applicable quality factor applies, and also, a record of the quantity of each disposition of the eligible commodity received from such members. The same kind of records shall be maintained by the association with respect to the commodity received from members or nonmembers which is ineligible for price support.

§ 1425.18 Inspection and investigation.

(a) *Inspection.* The books, documents, papers and records of the association, and its member associations, if any, for any year's business shall be available to CCC for inspection and examination at all reasonable times through the end of the fifth marketing year following the marketing year for which approval is obtained.

(b) *Investigation.* CCC shall have the right, at any time after an application is received, to examine all books, documents, papers and records of the applicant association and its member associations and to make such investigations as are deemed necessary to determine whether the applicant association and its member associations, if any, are operating or have operated in accordance with the regulations in this subpart, their articles of incorporation, bylaws, agreements with producers and with the representations made by the applicant association in its application for approval and, where applicable, its President, CCC.

§ 1425.19 Determination of eligibility.

The determination of the eligibility under this subpart of a cooperative marketing association to receive price support shall be made by the Executive Vice President, CCC.

§ 1425.20 Definitions.

As used in this subpart the term "person" shall have the same meaning as the definition of such term in the regulations pertaining to Reconstruction of Farms, Allotments, and Bases, Part 719 of this title and any amendments thereto.

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

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 18, 1965.

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

[F.R. Doc. 65-5365; Filed, May 20, 1965; 8:50 a.m.]

[Revision 3; Amdt. 2]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 12006, 29 F.R. 13475, and 30 F.R. 2854 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

1. The subpart heading for the regulation published in 29 F.R. 12006 shall be identified as, "Livestock Feed Program Revision 2."

2. The subpart heading for the regulation published in 29 F.R. 13475 shall be identified as, "Livestock Feed Program Revision 3."

3. Section 1475.203(q) is amended to read:

§ 1475.203 Definitions.

* * * * *

(q) "Processed feed" means feed which contains not more than 90 percent by weight of any one feed grain and which is in ground, rolled, steamed, pelletized, or other processed form provided that all of the ingredients of the whole grain are included.

* * * * *

4. Section 1475.207 is amended to read:

§ 1475.207 Sales made through county offices.

When an owner desires to purchase grain pursuant to an approved application he shall, prior to any delivery, make payment to the county committee by means of an acceptable remittance for the quantity of grain purchased except that when a State or Federal agency certifies to CCC that it will finance part or all of the cost of the purchase, such certification may be accepted in lieu of cash to the extent of the amount so certified if such agency agrees (a) to make payment to CCC of such amount in the normal course of its procedures for payment and (b) to issue the check, draft, warrant, or such other means of payment as may be employed, directly to CCC.

5. Section 1475.208(d) is amended to read:

§ 1475.208 Pricing of grains.

* * * * *

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a binsite under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC shall be settled between the owner and CCC at a price equal to the county total support level. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

6. Section 1475.209(b)(2) is amended and (b)(4) is added to read:

§ 1475.209 Sales of loan grain.

* * * * *

(b) *Loan grain in farm storage.* * * *

(2) If the quantity of any feed grain approved for purchase on an application is less than the quantity under a farm storage loan other than a loan specified in § 1475.205(d)(1), CCC shall, notwithstanding any provisions of the loan documents to the contrary, (i) require advance delivery to CCC on the farm where stored of a quantity of the loan grain equal to the quantity to be purchased, (ii) accept delivery of such quantity of loan grain, (iii) credit the owner's loan with the settlement value of the quantity delivered on the basis of the applicable class, grade, quality, and quantity as set forth in the loan documents, (iv) require the owner to purchase the approved quantity of grain at the applicable price under this program, and (v) redeliver such grain to the owner on the farm where stored.

* * * * *

(4) If there has been a conversion of grain securing the loans referred to in subparagraphs (1) and (2) of this paragraph, the maturity date for the entire loan shall be accelerated and the entire loan shall be settled in accordance with the applicable grain price support regulations. The owner shall also be declared ineligible to participate in the Livestock Feed Program.

* * * * *

7. The first sentence of § 1475.210(c) is amended to read:

§ 1475.210 Sales of other CCC-owned grain.

* * * * *

(c) *Warehouse and handler stored grain.* The owner shall take physical delivery of the grain as soon as possible after issuance of the delivery order but not earlier than the date of such issuance and not later than a date which would normally permit feeding of the grain within the prescribed period. * * *

* * * * *

§ 1475.211 [Amended]

8. The second sentence of § 1475.211 (b) is amended to read: "The owner may obtain as many separate warrants as shall be necessary to permit delivery of

the net approved quantity (§ 1475.205 (d)(3)) by a date that would normally permit feeding of the grain within the prescribed period."

9. Section 1475.212 is amended to read:

§ 1475.212 Disposition of grain and adjustment of sales price.

(a) *Feed for primary livestock.* The owner must feed to his primary livestock in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program for primary livestock and (2) otherwise available to him for feeding his primary livestock at the time of his first application after the county was designated an emergency area.

(b) *Total feed for all eligible livestock.* The owner must feed to his eligible livestock (primary and secondary combined) in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program and (2) otherwise available to him for feeding his eligible livestock at the time of his first application after the county was designated an emergency area.

(c) *Allocating available feed to classes of livestock.* The feed referred to in paragraphs (a)(2) and (b)(2) of this section shall be determined by allocating the feed available to the owner among primary, secondary and ineligible livestock and poultry in proportion to their normal feeding requirements as determined by the county committee.

(d) *Grace period.* Notwithstanding the provisions of paragraphs (a) and (b) of this section the owner shall have a grace period of 30 days after the prescribed period for feeding the required quantities of feed grain to his livestock.

(e) *Adjustments.* Except as provided in § 1475.214, if the owner does not feed the grain as provided in paragraphs (a) through (d) of this section to his eligible livestock, he may satisfy his obligation to CCC under this program as follows:

(1) If there is a current Livestock Feed Program in the area he may with prior approval of the county committee, sell the grain to another owner with an unfilled net approved quantity on his application at not more than the price at which the grain was purchased, or

(2) If he agrees to use the feed on hand for feed purposes only, or dispose of the feed only for such use, he may pay to CCC the difference between the price paid for such feed grain and the market price thereof, as determined by CCC, on the date of the delivery order, warrant, or other delivery authorization, as the case may be, for the last acquisition of such feed grain under the program.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if CCC determines that the quantity of feed which should have been fed to the owner's primary livestock was actually fed by the owner to his secondary livestock within the prescribed and grace periods the owner shall be deemed to have acquired the kind and quantity of feed grain specified in paragraph (f) of this section for feeding to such livestock and shall pay to CCC, on demand, the balance due under § 1475.208(b) for such feed grain.

(f) *Kind of feed grain involved in price adjustments.* The kind and quantity of feed grain on which the price adjustments specified in this section shall be based, shall be the kind and quantity acquired from CCC which was not fed to the applicable livestock except that:

(1) If the feed involved was feed otherwise available to the owner for feeding his eligible livestock, the price adjustment shall be based on the kind of feed grain last acquired under the program and on a quantity of such feed grain equal in feed grain equivalents to the feed involved, as determined by CCC, or

(2) If the feed involved was processed feed acquired from an approved dealer, the price adjustment shall be based on the kind of feed grain for which payment was made to CCC and on a quantity equal to the quantity of such feed grain in the processed feed involved.

(g) *Reporting livestock changes.* If the owner suffers losses among or disposes of any of his eligible livestock, or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program. If the owner fails to feed the quantities of feed to primary livestock, or to all eligible livestock as specified in this section he shall report the fact promptly to the applicable county office.

10. Section 1475.213 is amended to read:

§ 1475.213 Maintenance of books and records.

Warehousemen, handlers and dealers shall maintain and preserve for at least three full years following deliveries made against delivery orders and warrants and for such additional period as CCC may request in writing, books and records which will permit verification of all transactions with regard to delivery orders and warrants. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours. If requested to do so by the county committee, the owner shall within 30 days of such request submit such information as may be requested by the county committee with respect to his livestock feeding operations.

11. Section 1475.214(a) is amended to read:

§ 1475.214 Violations.

(a) *Disposal of grain to others.* If the owner has failed to feed the quantities of feed required by § 1475.212 (a) through (d) to be fed to primary or eligible livestock, he shall not dispose of feed grain acquired under the program (including any processed feed containing any feed grain acquired under the program) to any other person except as permitted in §§ 1475.210(f) and 1475.212(e). If the feed grain acquired from CCC is disposed of to any other person, except as permitted in the regulations of this subpart, or if a delivery order or warrant is used for obtaining other than feed grain, the owner shall be subject to such civil penalties and to such criminal liabilities as are provided by applicable Federal statutes.

* * * * *

Effective date. Date of publication.

Signed at Washington, D.C., on May 18, 1965.

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

[F.R. Doc. 65-5366; Filed, May 20, 1965; 8:50 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[SM-7, Rev. 1]

PART 1485—DAIRY PRODUCTS

Subpart—Dairy Products Export Payment-in-Kind Program—Terms and Conditions

These regulations set forth the terms and conditions of the Dairy Products Export Payment-in-Kind Program and constitute a revision of the regulations governing the program on and after the effective date of this subpart except as provided in § 1485.201 below.

GENERAL

Sec.
1485.201 General statement.
1485.202 Submission and acceptance of offers.
1485.203 Exporter's contract with CCC.
1485.204 Inspection of dairy products at time of production and at time of loading for export.
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1485.215 Assignments and setoffs.
1485.216 Records and accounts.
1485.217 Reports.
1485.218 Field offices.
1485.219 Officials not to benefit.
1485.220 Eligible country or designated country.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, 1072, 15 U.S.C. 714 b and c.

GENERAL

§ 1485.201 General statement.

(a) Commodity Credit Corporation (referred to herein as "CCC") pursuant to this subpart announces a Dairy Products Export Payment-in-Kind Program (referred to herein as the "program") under which an exporter may earn payments in the form of export commodity certificates at rates which will be announced by CCC.

(b) This program is in lieu of the Dairy Products Export Payment-in-Kind Program established by regulations governing that program, Announcement SM-7, 28 F.R. 11667, which was terminated May 22, 1964, 29 F.R. 6848, as to nonfat dry milk, and was terminated as to the remainder of the program Novem-

ber 23, 1964, 29 F.R. 15809, but does not supersede that program (Announcement SM-7) for any uncompleted transactions under agreements between exporters and CCC entered into under the terms of that announcement. This program (SM-7 Revision 1) will operate independently and on a separate basis from the Special Dairy Products Export Payment Rates-by-Contract Program, Announcement SM-8 (Revision 1), 29 F.R. 17032. An export under Announcement SM-8 will not be deemed to be an export under this program and vice versa. This subpart contains the regulations governing this program under which CCC will make payments in the form of export commodity certificates (called "certificates" in this subpart) to exporters who have exported or caused to be exported dairy products from commercial sources at payment rates announced by CCC as provided in § 1485.202. Eligible dairy products, applicable export payment rates, and periods during which such export payment rates will remain in effect will be announced by press release from time to time by the General Sales Manager, Foreign Agricultural Service (referred to herein as "FAS"). Certificates will be redeemable in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates. Such commodities delivered in redemption of certificates must also be exported. Dairy products obtained from CCC for export shall not be eligible for certificates unless other dairy products have been exported in satisfaction of the requirements of the export sale contract. This program will be carried out in behalf of CCC by FAS and by the Agricultural Stabilization and Conservation Service (referred to herein as "ASCS"), U.S. Department of Agriculture, and will be administered under the general direction and supervision of the General Sales Manager, FAS. Information pertaining to the program may be obtained as provided in § 1485.218.

§ 1485.202 Submission and acceptance of offers.

(a) Exporters desiring to participate in this program may submit offers during periods which will be announced by press release, to the General Sales Manager, FAS, to export specific quantities of dairy products from commercial sources at payment rates which are in effect at the time the offer is received by the General Sales Manager. An offer may be made by letter, telegram, or TWX. (1) Such offers must state: (i) That the offer is made pursuant to Announcement SM-7 (Revision 1), and (ii) The quantity and kind of dairy products to be exported. A telegraphic or other written notice of acceptance by CCC will be given for each accepted offer by the General Sales Manager stating the rate in effect at the time of receipt of the offer and an acceptance number. Such notice will be issued within one business day after the receipt of the offer. "Business day" means any day of the week except Saturday, Sunday, and days declared legal holidays by statute for U.S. Government employees. Any offer may be rejected and notice of rejection will be given by telegram or TWX within one business day after the time the offer is received by the General Sales Manager. (2) Changes or modifications in a contract between CCC and an exporter resulting from acceptance of his offer may be made if the General Sales Manager determines that (i) the change or modification is made for the purpose of correcting an error in the original offer which arose without the fault or negligence of the exporter, and the exporter notifies the General Sales Manager of such error within one week after the acceptance of the offer, and the General Sales Manager finds that the offer as so changed or modified would have been accepted, or (ii) a change in the specifications of nonfat dry milk product or milkfat product to be exported is requested by the exporter, and the change will not affect the net quantity of nonfat dry milk or milkfat to be exported. All communications pertaining to an Offer to Export to which an acceptance number has been assigned shall contain reference to the acceptance number. "General Sales Manager" as used in this subpart means the General Sales Manager, FAS, or his designee.

(b) The General Sales Manager reserves the right to refuse to consider an offer if he does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether the General Sales Manager has adequate information with respect to his financial responsibility, he should either submit a financial statement to the General Sales Manager prior to making an offer, or communicate with such office to determine whether such statement is desired in his case. When satisfactory financial responsibility has not been established, the General Sales Manager reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to the General Sales Manager, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract.

(c) CCC reserves the right to reject any or all offers submitted under the provisions of this subpart at any time, notwithstanding the fact that an announced export payment period may be in effect.

§ 1485.203 Exporter's contract with CCC.

The submission of an offer to export and its acceptance by CCC shall constitute a contract between CCC and the exporter under which (a) subject to all the terms and conditions of this subpart, the exporter agrees to export or cause to be exported dairy products and, upon the failure to comply with such terms and conditions, to pay CCC for its damages as provided in § 1485.211, and (b) CCC agrees to issue certificates to the exporter as provided in § 1485.209.

§ 1485.204 Inspection of dairy products at time of production and at time of loading for export.

(a) The exporter shall obtain an inspection certificate which shall have been issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service (referred to herein as "CMS"), within 90 days of the time of export, showing the weight and quality of the commodity and the milkfat content in the case of milkfat products, for submission with the application for payment: *Provided, however*, That the General Sales Manager may, in his discretion, accept other evidence of weight and quality.

(b) The exporter shall also obtain from CMS through his own arrangements a grading certificate covering the inspection of the commodity at dockside or border port of entry showing the quantity of the product, condition of the containers, and verification that the product being exported is the same as that reported on the quality and weight inspection certificates provided for in paragraph (a) of this section, for submission with the application for payment.

(c) In the case of exports shipped across the U.S. border by truck or railroad the dairy products may be inspected at the point of loading and sealed under supervision of CMS. The certificates resulting from such inspection will be accepted in lieu of certificates obtained under paragraph (b) of this section.

§ 1485.205 Exportation requirements.

(a) The exporter shall export or cause to be exported to eligible countries as defined in § 1485.220, the quantity and kind of dairy products stated in the offer. Exportation shall be during the period commencing on the date following the date of acceptance of the offer and ending ninety days after such date or within any extension of such period which is approved in writing by the General Sales Manager, FAS, as provided in § 1485.211(b). Such period during which exportation must be made is hereinafter referred to as the "export period."

(b) Exportation of the dairy products by or to a U.S. Government agency shall not qualify as an exportation for the purposes of this program. (U.S. Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration, or other unit of the Federal Government, as for example the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, the Navy exchanges, and the Panama Canal Company.) Sales by exporters to foreign buyers including foreign governments, financed with funds made available by a U.S. Government agency such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government agency, provided the dairy products are not for transfer by such buyers to a U.S. Government agency.

(c) Dairy products exported under this program must have been processed in the United States from milk produced in the United States.

(d) Dairy products exported to an eligible country shall not be transshipped thereafter by the exporter to any country other than an eligible country.

§ 1485.206 Quantity tolerance.

If the exporter exports or causes exportation of a net quantity of dairy products less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity, the exporter shall not be deemed to be in default. If an exporter exports or causes exportation of a net quantity in excess of the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity, he may include such excess quantity in his application for payment and such excess quantity may be included in the computation of the amount of the certificate to be issued.

§ 1485.207 Application for export commodity certificate.

An original and two copies of Application for Export Payment Form CCC-135 must be prepared and submitted to the Minneapolis ASCS Commodity Office, together with the evidence of the weight and quality or grade as provided in § 1485.204 and the evidence of exportation as provided in § 1485.208. Such evidence must be submitted within 60 days after the end of the export period. The exporter will be required to certify in the application that the dairy products were not exported by or to a U.S. Government agency as defined in § 1485.205(b).

§ 1485.208 Documents required as evidence of export.

(a) Each Application for Export Payment, Form CCC-135 must be supported by the following documents evidencing export as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if export is by water, or air, a nonnegotiable duplicate copy of the applicable onboard commercial bill of lading signed by an agent of the export carrier, which shows the net weight of the dairy product, and the identification of the export carrier. A bill of lading showing the gross weight of the dairy product and the number of containers may be furnished, provided the bill of lading also shows the weight of the containers or the exporter furnishes an acceptable certification as to the weight of the containers. If exported under Public Law 480, 83d Congress, the purchase authorization number shall be shown on the bill of lading. If loss, destruction, or damage to the dairy product occurs subsequent to loading on board the export carrier, but prior to issuance of onboard bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, and not under Public Law 480, 83d Congress, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export, which identifies the shipment(s), the date of clearance into the foreign country, the gross weight of the dairy product, the net weight of the dairy product, and the weight of the containers. If export is under Public Law 480, 83d Congress, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter stating, "The authenticated copy of this Shipper's Export Declaration was forwarded to (insert name of banking institution) with my draft for financing of the shipment under P.A. No. (show number)."

(3) If the export shipment is made by vessel, plane, truck, or other carrier, operated by a U.S. Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of export(s), type of carried used, identification of the commodity, and the quantity.

(4) Such additional evidence of export as CCC may require under the circumstances of any particular transaction to enable CCC to determine that there has been compliance with the export requirements.

(b) If the shipper or consignor named in the onboard bill(s) of lading or the Shipper's Export Declaration(s) is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the onboard bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(c) If exportation of the dairy product has been made by anyone, or transshipment made or caused by the exporter, to one or more countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of International Commerce, U.S. Department of Commerce, for such movement.

(d) In case a single bill of lading or other documentary evidence of export covers a quantity of a dairy product in excess of the net quantity applied against the exporter's contract with CCC under this program, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC had paid or agreed to make an export payment or has sold dairy products at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying each contract and program to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract and program.

§ 1485.209 Export commodity certificate.

Upon receipt of an Application for Export Payment, Form CCC-135, according to § 1485.207, the Minneapolis ASCS Commodity Office will determine the amount of payment due and issue an Export Commodity Certificate Form CCC-341, for the amount due.

(a) *Amount for which issued.* The amount shown in the space provided for the value of the certificate will be the amount obtained by multiplying the export payment rate in effect at the time the offer was received by the General Sales Manager by whichever of the following is applicable.

(1) The number of pounds (net weight) of conventional U.S. Extra Grade nonfat dry milk or low lactose nonfat dry milk exported.

(2) The adjusted pounds of U.S. Extra Gradé nonfat dry milk exported in other than conventional form. The adjusted pounds of nonfat dry milk shall be determined by multiplying the net weight of the product exported by a percentage factor. The percentage factor shall be 100 percent minus the sum of the following:

(i) The percentage of moisture in excess of 4 percent;

(ii) The percentage of allowable ingredients other than nonfat dry milk not in excess of ten percent which may be present in the product. The adjusted nonfat content shall be evidenced by grading certificates submitted in support of the application for payment.

(3) The adjusted pounds of butter (as determined in this subsection) exported. The adjusted pounds of butter shall be determined by multiplying the net pounds of butter exported in each category of butter listed below by the factor applicable to such category:

	Factor
Standard butter (80.0-81.9 percent milkfat)	1.0000
Higher fat butter (82.0-82.9 percent milkfat)	1.0250
Higher fat butter (83.0 percent milkfat or more)	1.0375

The adjusted pounds of butter shall be determined for each churn of butter and shall be based on grading certificates submitted to CCC in support of exporter's application for export payment.

(4) The number of pounds of milkfat products (other than butter) exported adjusted to a basis of 80 percent milkfat. The exporter shall be paid at the applicable rate for the quantity of eligible dairy products exported up to but not in excess of 105 percent of the net quantity of the dairy products specified in the contract.

(b) *Payee.* Except as provided in § 1485.215, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(c) *Date of issuance.* The date of issuance shown on the certificate will be the date the certificate is issued by the ASCS Commodity Office.

(d) *Transfer.* Certificates may be transferred by endorsement.

(e) *Redemption.* Certificates will be redeemed by CCC at face value in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates, subject to the terms and conditions of such regulation or announcement.

(f) *Expiration.* Certificates shall expire if not presented for redemption

within 365 days after date of issuance shown on the certificate and thereafter shall have no value, unless the period for redemption is extended by CCC.

§ 1485.210 Performance guarantee.

CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or irrevocable commercial letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

§ 1485.211 Liquidated damages.

(a) Failure of the exporter to export or cause to be exported, or delays in exporting or causing to be exported, to an eligible country as provided in this subpart, the quantity of dairy products specified in his contract with CCC shall constitute a breach of the contract which will result in damages to CCC. Since it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC promptly upon demand, by way of compensation and not as a penalty, liquidated damages as follows:

(1) Liquidated damages for delay in exportation shall commence on the first day following the end of the export period (90 days after CCC's acceptance of the offer or any extension thereof approved pursuant to paragraph (b) of this section) but such damages shall not be assessed beyond 30 days and shall be in the following amounts per pound for each calendar day of delay;

(i) With respect to nonfat dry milk, 0.01 cent (one-hundredth of a cent) per pound;

(ii) With respect to milkfat, 0.04 cent (four-hundredths of a cent) per pound.

(2) (i) Liquidated damages for failure to export or for delay in exportation of more than 30 days shall be in the following amounts per pound:

(a) With respect to nonfat dry milk, 0.3 cent (three-tenths of a cent) per pound;

(b) With respect to milkfat products, 1.2 cents (one and two-tenths cents) per pound.

Provided, That, if the export payment rate for any dairy product under the contract which was breached and the rate of liquidated damages with respect to such product under the foregoing provisions of this subparagraph (2) is less than the export payment rate for such product under any other contract made pursuant to this subpart by CCC with any exporter within 150 days after the date of the contract which was breached, then the liquidated damages under the contract with respect to such product shall be the difference between the export payment rate under the contract and the highest export payment rate for such product under any other contract made with any exporter within such 150-day period.

(ii) In addition to liability for liquidated damages, an exporter's failure to export in accordance with his contract may be cause for suspension or debarment under § 1485.214.

(iii) Failure of the exporter to submit evidence of exportation within 60 days after the final date for exportation specified in § 1485.205 or any extension thereof shall constitute prima facie evidence of failure to export. An exportation which has not been made to an eligible country within 30 calendar days after the end of the export period shall be deemed not to have been made at all, and no payments from CCC will have been earned by the delayed exportation.

(3) The liquidated damages provided in subparagraphs (1) and (2) of this paragraph shall not be cumulative.

(4) The exporter by submitting an offer will thereby agree that the liquidated damages provided herein are a reasonable estimate of the probable actual damages that would be incurred by CCC.

(b) If the exporter gives the General Sales Manager prompt written notice of a delay in exportation and the cause thereof, either before or within 30 days after the end of the 90-day period following the acceptance of the exporter's offer, and the General Sales Manager determines in writing that such delay was due solely to causes without the exporter's fault or negligence, an extension of time for exportation will be granted for a period of not to exceed 30 days. Notwithstanding the foregoing, the General Sales Manager is authorized to extend a period for exportation upon such terms and conditions as he may prescribe if such extension is determined by him to be in the interest of CCC.

(c) If the shipment of any dairy products pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country, or if dairy products exported are reentered into the United States, including Puerto Rico, regardless of whether such reentry is caused by the exporter, or if any dairy products are transshipped by the exporter to any country excluded by § 1485.220, the exporter shall be in default, and shall return to CCC any certificates issued by CCC in payment for export of such dairy products, or shall refund to CCC the face value of such certificates in cash and, with respect to any dairy products reentered into the United States, including Puerto Rico, shall pay to CCC liquidated damages in amounts provided in paragraph (a) (2) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that the dairy products reentered were lost, damaged, or destroyed, and the physical condition is such that their reentry will not impair CCC's export and price support program. Notwithstanding the provisions of this paragraph (c), the exporter shall not be subject to liquidated damages as provided in paragraph (a) (2) of this section and shall be entitled to retain the certificates if he establishes to the satisfaction of the General Sales Manager that the reentry was not due to his fault or negligence and promptly after he received notice of reentry, he subsequently exported a quantity of dairy products in fulfillment of the requirements of his contract with CCC equal to that which was reentered.

§ 1485.212 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure contracts as provided under § 1485.203 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide established commercial agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or, in its discretion, to deduct from the value which a certificate would otherwise have, the full amount of such commission, percentage, brokerage, or contingent fee, or to otherwise recover such full amount from the exporter.

§ 1485.213 Export and exportation.

"Export" or "exportation" means, except as otherwise provided in this section a shipment from the conterminous U.S. destined to an eligible country. The dairy products so shipped shall be deemed to have been exported on the date which appears on the applicable onboard ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the conterminous United States is by truck or rail, the date the shipment clears U.S. customs. A diversion of the shipment to an ineligible country while enroute to an eligible country shall not be considered as a shipment destined to an eligible country. If the dairy products are lost, destroyed, or damaged after loading onboard a ship for export, exportation to the eligible country shall be deemed to have been made as of the date of the onboard ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading onboard ship but prior to issuance of onboard ship ocean bill of lading or such other document: *Provided, however*, That if the "lost, destroyed or damaged" dairy products remain in the United States, the products shall be considered as reentered and shall be subject to the provisions of § 1485.211(c).

§ 1485.214 Performance and good faith.

If CCC, after affording the exporter an opportunity to present evidence in accordance with the regulations of CCC relating to suspension and debarment, determines that the exporter has failed to act in good faith in connection with any transaction under this subpart, or that such exporter is irresponsible in carrying out his obligations under a contract entered into pursuant to this subpart, such exporter may be denied the right to submit offers under this program.

§ 1485.215 Assignments and setoffs.

(a) No assignment shall be made by an exporter of the exporter's contract, or of any rights thereunder, except that the exporter may assign the payments due the exporter under an Application for Export Payment, Form CCC-135, to any bank, trust company, Federal lending agency, or other financing institution, and subject to the approval of the Vice

President, CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC-251, "Notice of Assignment", which form must be used in giving notice of assignment to CCC: *Provided, further*, That any such assignment shall cover all amounts payable and not already paid under the contract and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one person as agent or trustee for two or more persons participating in such financing. The "Instrument of Assignment" may be executed on Form CCC-252, or the assignee may use his own form of assignment. Forms may be obtained from the ASCS Commodity Office.

(b) (1) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Export Payment, Form CCC-135. In the case of an assignment and notwithstanding such assignment, CCC may set off (i) any amounts due CCC under the terms and conditions of these regulations and (ii) any amounts, other than the amounts specified in subdivision (i) of this subparagraph due CCC, if the assignee was advised of such amounts at the time of acknowledgement by CCC of receipt of the notice of assignment.

(2) In the case of an assignment pursuant to paragraph (a) of this section, any indebtedness of the exporter to CCC which may not be set off under this paragraph (b) may be set off against any amounts due and payable under the regulations which remain after the deductions of amounts (including interest and other charges) due the assignee under the assignment. Setoff as provided in this section shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 1485.216 Records and accounts.

Each exporter shall maintain accurate records relating to all commodities exported or to be exported in connection with this program. Such records, and any document relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture, and shall be preserved for 3 years after date of export.

§ 1485.217 Reports.

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

§ 1485.218 Field Offices.

(a) Information concerning this program may be obtained from the Office of the General Sales Manager, Washington, D.C., or from representatives of the General Sales Manager as follows:

(1) Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013.

(2) Callan B. Duffy, 630 Sansome Street, Appraisers Building, Room 802, San Francisco, Calif., 94111.

(b) Information concerning this program may also be obtained from the Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55410.

§ 1485.219 Officials not to benefit.

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 1485.220 Eligible country or designated country.

"Eligible country" or "designated country" means any destination outside of the United States and Puerto Rico excluding any country or area for which a license is required under regulations issued by the Bureau of International Programs, U.S. Department of Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau.

Issued this 18th day of May 1965.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[F.R. Doc. 65-5379; Filed, May 20, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-CE-16]

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

Designation of Control Zone and Alteration of Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2609) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Manhattan, Kans., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

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

MANHATTAN, KANS.

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

2. In § 71.181 (29 F.R. 17643) the Manhattan, Kans., transition area is amended to read:

MANHATTAN, KANS.

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

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

Issued in Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5327; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-55]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Medford, Oreg., control zone.

The Medford, Oreg., control zone is presently designated, in part, with reference to the Medford radio range which will be converted to a radio beacon (Class SBH) on May 27, 1965. Instrument approach procedures predicated on the radio range will be canceled, and the radio beacon will be classified as a VFR aid. Therefore, action is taken herein to revoke the control zone extension based on the Medford radio range.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary.

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

In § 71.171 (29 F.R. 17615), the Medford, Oreg., control zone is amended to read:

Within a 5-mile radius of Medford Municipal Airport (latitude 42°22'15" N., longitude 122°52'20" W.); within 2 miles each side of the Medford ILS localizer N course, extending from the 5-mile radius zone to 6 miles N of the OM.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 14, 1965.

LEE E. WARREN,
Acting Director, Western Division.

[F.R. Doc. 65-5328; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-11]

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

Designation of Federal Airway

On March 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3391) stating that the Federal Aviation Agency was 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 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 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-315 is added as follows:

V-315 From Paris, Tex. to Page, Okla.

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

Issued in Washington, D.C., on May 17, 1965.

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

[F.R. Doc. 65-5329; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-35]

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

Alteration of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to alter the transition area at Waycross, Ga.

The Waycross, Ga., transition area extending upward from 1,200 feet above the surface is presently designated, in part, as within 8 miles N and 5 miles S of the 086° bearing from a point at latitude 31°15'42" N., longitude 82°19'26" W., extending from this point to 12 miles E of the point. The purpose of this portion of the transition area was to provide protection to aircraft executing approaches to the Waycross-Ware County Airport in accordance with a special ADF procedure utilizing commercial broadcast station WACL as the navigational approach aid. This approch procedure was canceled on March 12, 1965; therefore, the portion of the transition area providing protection of this approach procedure is no longer required and action is taken herein to revoke it.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it shall become effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 the Waycross, Ga., transition area (30 F.R. 1188) is amended to read:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross, Ga., VOR 100° radial, extending from the 5-mile radius area to the Waycross VOR 207° and 027° radials; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 297° radial, extending from the VOR to 12 miles NW.

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

Issued in East Point, Ga., on May 13, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-5330; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-9]

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Jet Route Segment

On March 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2953) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would revoke the segment of Jet Route No. 47 from Spartanburg, S.C., via Lexington, Ky., to Dayton, Ohio.

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., July 22, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), Jet Route No. 47 is amended to read as follows:

Jet Route No. 47 (Charleston, S.C., to Spartanburg, S.C.)
From Charleston, S.C., via Columbia, S.C., to Spartanburg, S.C.

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

Issued in Washington, D.C., on May 14, 1965.

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

[F.R. Doc. 65-5331; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-2]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On March 20, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3714) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 4 between Montgomery, Ala., and Augusta, Ga., via Atlanta, Ga.

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., July 22, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), the text of Jet Route No. 4 is amended by deleting "Montgomery, Ala.;" and substituting "Montgomery, Ala.; Atlanta, Ga.;" therefor.

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

Issued in Washington, D.C., on May 14, 1965.

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

[F.R. Doc. 65-5332; Filed, May 20, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,066]

PART 561—DEFINITIONS

Scheduled Items

Correction

In F.R. Doc. 65-4989 appearing at page 6517 in the issue for Wednesday, May 12, 1965, the first paragraph is corrected to read as follows:

Resolved that, notice and public procedure having been duly afforded (30 F.R. 3274) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 561.15 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.15) and for the purpose of effecting such amendment, hereby amends said § 561.15 as follows, effective June 12, 1965:

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP

5A1639) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of calcium disodium EDTA as a stabilizer of color in canned, cooked dried lima beans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1017(b)(1) is amended by inserting, alphabetically, in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Dried lima beans (cooked canned).	310	Promote color retention.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: May 3, 1965.

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

[F.R. Doc. 65-5350; Filed, May 20, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-353]

HANDLING OF GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., beginning at 10 a.m., local time, June 28, 1965, with respect to a proposed marketing agreement and order regulating the handling of grapefruit grown in the Interior District in Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

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

The proposed marketing agreement and order, the provisions of which are as follows, was submitted with a request for a hearing thereon by Florida Citrus Mutual and the Florida Fresh Citrus Shippers Association (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1. Secretary.

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

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus Paradisi, MacFadyen, grown in the Interior district in the State of Florida.

Sec. 5. Producer or grower.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Interior district and who has a proprietary interest in the grapefruit so produced.

Sec. 6. Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled.

Sec. 7. Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

Sec. 8. Standard packed box.

"Standard packed box" means a unit or measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

Sec. 9. Fiscal period.

"Fiscal period" means the period of time from August 1, of any year until July 31, of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

Sec. 10. Committee.

"Committee" means Interior Grapefruit Marketing Committee.

Sec. 11. Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

Sec. 12. Interior district.

"Interior district" means the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward, and County Commissioner's Districts One, Two, and Three of Volusia County and shall include the portions of the Counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

Sec. 20. Establishment and membership.

There is hereby established an Interior Grapefruit Marketing Committee. The membership shall consist of those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee serving as members and alternates of Marketing Order No. 905, and whose residence and principal place of business are in the Interior district.

Sec. 21. Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary.

Sec. 22. Powers of the Interior Grapefruit Marketing Committee.

The committee, in addition to the power to administer the terms and pro-

visions of this subpart, as herein specifically provided, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

Sec. 23. Duties of the Interior Grapefruit Marketing Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

Sec. 24. Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

Sec. 25. Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members present shall constitute a quorum for any decision or action of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided for in paragraph (c) of this section.

(c) Not less than 75 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member appointed by the chairman of the committee, may serve in the place and stead of the absent member and his alternate.

(f) The committee shall give to the Secretary the same notice of meeting of the committee as is given to the members thereof.

Sec. 26. Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such pursuant to this subpart.

EXPENSES AND ASSESSMENTS

Sec. 30. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in section 31.

Sec. 31. Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

Sec. 32. Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATION

Sec. 40. Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information:

(1) The estimated available crop of grapefruit in the district, including estimated quality;

(2) The estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of;

(3) A schedule of estimated weekly shipments of grapefruit during the ensuing season;

(4) The available supplies of competitive deciduous fruits in all producing areas of the United States;

(5) Level and trend in consumer income;

(6) Estimated supplies of competitive citrus commodities; and

(7) Any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a re-

quest therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

Sec. 41. Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not in the aggregate be recommended during the 1965–66 fiscal period for more than 6 weeks, and in the succeeding fiscal period not more than 8 weeks and all subsequent fiscal periods not more than 10 weeks.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply of grapefruit on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of grapefruit in the production area;

(4) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to section 42, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

Sec. 42. Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act: *Provided*, That such regulations shall not in the aggregate limit the volume of grapefruit shipments during the 1965–66 fiscal period for more than 6 weeks, and the succeeding fiscal period not more than 8 weeks, and all subsequent fiscal periods not more than 10 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

Sec. 43. Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and section 44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, during the 1965–66 fiscal period be the quantity shipped by him during the preceding marketing season and during the 1966–67 fiscal period be the average seasonal quantity shipped by him during the preceding two marketing seasons, and during the 1967–68 fiscal period and subsequent fiscal periods be the seasonal average quantity shipped by him during the preceding three marketing seasons. At any time handlers having only one or two seasons of past performance in seasons immediately preceding the season for which prorate bases are computed, such handlers bases shall be computed in the same manner as described above.

(e) Any person who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and is the sole owner or has control of a packinghouse and applies for a prorate base shall be considered a new handler. The committee shall compute a prorate base based upon his prior shipments if any, grapefruit under control and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler.

Sec. 44. Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

Sec. 45. Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

Sec. 46. Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to section 42, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

Sec. 47. Allotment loans.

(a) A person to whom allotments have been issued, except a new handler, may lend such allotments to other persons to whom allotments have also been issued. A new handler may borrow allotments and repay same. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

Sec. 48. Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to section 42, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

Sec. 50. Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall maintain such records and furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

Sec. 55. Fruit not subject to regulation.

Except as otherwise provided in the section, any person may, without regard to the provision of sections 42 through 48 and the regulations issued thereunder, ship grapefruit for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped.

The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

Sec. 56. Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to section 42 is in effect, unless such grapefruit are, or have been handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person, shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

Sec. 57. Right of Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 58. Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in section 59.

Sec. 59. Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

Sec. 60. Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to section 31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

Sec. 61. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

Sec. 62. Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 63. Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 64. Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee.

Sec. 65. Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 66. Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

Sec. 67. Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

Sec. 68. Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of grapefruit in the

same manner as is provided for in this agreement. * * *

Copies of this notice of hearing may be obtained from Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Post Office Box 9, Lakeland, Fla., 33802.

Dated: May 17, 1965.

J. C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-5346; Filed, May 20, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 91]

[Reg. Docket No. 6652; Notice 65-11]

CLEARANCES AND INSTRUCTIONS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to Parts 1 and 91 of the Federal Aviation Regulations that would revise the definitions of "air traffic control" and "air traffic control clearances" and clarify the distinction between ATC clearances and ATC instructions.

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 regulatory docket or notice 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 on or before July 20, 1965, will be considered by the Administrator before taking action 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 term "instruction," in connection with air traffic control, predates the term "clearance" by several years. In 1938 the air traffic control "instruction" was introduced as a definition in the Civil Air Regulations, and made applicable to Center operation. In 1943 the regulations were modified so that a control tower, as well as an Air Route Traffic Control Center, could issue an instruction. In 1945, the term "clearance," granted by a tower or center was inserted into the regulations to serve as a condition precedent to operating under IFR on Federal airways.

Instances have occurred in which pilots excessively questioned, or totally disregarded, control messages from ATC involving use of the terms "instruction" and "clearance." On January 16, 1960, in response to the situation, the Agency published Draft Release No. 60-1 in the FEDERAL REGISTER (29 F.R. 391). In this document it was proposed to clarify and emphasize the authority of ATC by requiring immediate compliance with specific instructions when conditions do not permit further discussion by a pilot seeking a course of action different from the instruction. Opposition by the public to this proposal primarily was premised upon the descriptive definition of an instruction as a directive requiring immediate, unquestioning compliance. As a result of general opposition by the public, and the extremely controversial aspects of the proposal, the Draft Release was withdrawn in September 1962, to permit additional study of the problem. The results of this study are the amendments proposed herein.

"Air traffic control" is presently described as a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic. The Agency has determined that a more specific definition should be formulated because of confusion existing among certain segments of the aviation community who believe the service is wholly permissive, while others believe its use requires mandatory compliance with directives. This misunderstanding as to the purpose of air traffic control, and the respective responsibilities between pilots and controllers, may become clearer if a more exact definition and statement of the nature and purpose of air traffic control is delineated by regulation.

The primary objective of air traffic control is the prevention of collision between aircraft. While aircraft are being operated in controlled airspace under special VFR and IFR flight plans (except when operating VFR-on-top or with any other VFR restriction), ATC is responsible for maintaining separation between this traffic. However, it is also an established concept that even though ATC provides separation to special VFR and IFR traffic, it does not eliminate the primary responsibility of the pilots of such aircraft from maintaining a lookout and avoiding other aircraft when able to do so. Generally, this concept of air traffic control service is well understood.

One of the principal areas of confusion involving the responsibilities of pilots and controllers is VFR operations being conducted in the vicinity of an airport having control tower service. ATC services in this area are intended principally to assist the pilot-in-command in the exercise of his primary responsibility of separating his aircraft from others. ATC issues clearances and information for this purpose. It is also necessary that the controller issue directions to aircraft in the vicinity of an airport for the purpose of establishing an orderly traffic flow and sequencing aircraft. However, pilots involved are still responsible for the spacing between individual aircraft.

Generally, in a VFR type operation the pilot is in the best position to see other aircraft in his immediate vicinity, and in a great majority of cases, he is the only person qualified to detect the development of a hazardous situation and to take appropriate action to avoid a collision. In most instances, the VFR pilot is out of sight of the controller when clearances and advisory information are being transmitted by radio. Even in those situations in which aircraft are visible to the controller, he is often unable to issue proper evasive directions to a pilot because he cannot determine accurately the relative positions of aircraft, either laterally or vertically, by visual observation. Consequently, the controller's role with the VFR pilot is one of issuing clearances and information to assist the VFR pilot in avoiding collision. The primary responsibility for specific evasive action rests with the pilot-in-command, and by reason of the diversified factors involved in VFR flying, positive separation by ATC is precluded.

Stating these concepts another way, ATC positively separates IFR aircraft from other IFR aircraft. The pilots of such aircraft primarily rely upon the controller for separation, even though each is required to maintain a lookout for other traffic. On the other hand, the VFR pilot is primarily responsible for maintaining separation from other aircraft and the controller will issue clearances and information to the pilot so that efficient and orderly use of the airport environment results, and help is provided the VFR pilot in avoiding collision with other aircraft.

Assuming the pilot-controller responsibilities, regarding clearances and required actions, are clarified, the questions most frequently raised are (1) how can a pilot distinguish between a required action and a clearance, and (2) to what extent is the pilot required to follow such directions.

In the past, some pilots have considered a clearance to be an instruction, while others believed that controllers only issued clearances. Still others, realizing the distinction between clearances and instructions, violently opposed both the use of the word "instruction" and its import. The Agency has determined that the best method for correcting the problem is to discontinue use of the term "instruction" and use only ATC clearances.

A problem exists concerning the method used to distinguish between ATC clearances that, on the one hand, are the subject of a normal discussion between the controller and pilot, and those with which a pilot must comply without delay because they involve hazardous, time-critical situations. In the latter situations, such words as "immediately" or "now" or words of similar connotation, would be included in the clearance when necessary to indicate urgency. Urgency is implicit in clearances such as "stop" or "go around". A pilot would be required immediately to initiate the action required by the clearance, subject to his final responsibility for the safety of his aircraft. After a pilot has initiated compliance with such a clearance, he could negotiate with ATC for an alternative clearance.

It is not the intent of this proposed regulatory action to void the pilot's privilege to question an ATC message. However, in those circumstances in which ATC needs immediate pilot action for safety reasons, there is no time available to discuss the matter until the pilot

has initiated compliance with the clearance. Normally, when immediate safety requirements are not involved, negotiations may take place between the controller and pilot concerning an alternative course of action. Traffic conditions permitting, a pilot's request usually would be approved. The proposed regulation purposely uses the terms "accepted" and "received." In situations that are not time-critical, a clearance does not exist until it is accepted by the pilot. On the other hand, when immediate action in the interests of safety is involved the clearance initiated by ATC is effective immediately when "received" by the pilot.

The regulations have always been stated in such a manner that, regardless of any clearance, the pilot-in-command has the final responsibility for the safety of his aircraft. This standard is continued in the proposed rule, and the pilot is expected to take whatever measures he deems necessary to assure the safety of his flight.

FAR § 91.75 anticipates that an emergency situation may require a pilot to deviate from his clearance. The present proposal broadens this concept by recognizing that there are circumstances short of an emergency in which a pilot is permitted to deviate from a clearance to the extent required by safety. When such a situation occurs, a pilot is required to notify ATC immediately so that ATC can take action to resolve any resulting traffic conflict.

In addition, this notice proposes to eliminate from § 91.75 the requirement that a pilot submit a detailed report to the FAA after receiving priority from ATC because of a declared emergency. This requirement was introduced into the air traffic rules in 1947 to minimize the practice of declaring an emergency to receive preferential handling by ATC. At that time, turbojet aircraft were coming into general use and declarations of emergencies to obtain priorities were becoming frequent. Since 1947 the operational capability of these aircraft has improved to the point where priority emergencies are virtually nonexistent. Consequently, the need for this requirement no longer exists.

The definition proposed for an ATC clearance would retain the substantive aspect of the present definition contained in Part 1. It would remain as an authorization issued by ATC for air traffic control purposes, thereby being limited to the objectives stated in the definition of air traffic control.

The Agency emphasizes that this proposal would make no basic change in the present pilot-controller relationship. It is intended, however, to clarify the function of air traffic control and the respective responsibilities of pilots and controllers.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as hereinafter set forth.

§ 1.1 [Amended]

1. Part 1—Definition and Abbreviations would be amended by adding the following definitions in appropriate alphabetical sequence:

"Air Traffic Control" means a service operated by personnel authorized by the Administrator or other appropriate authority for the purpose of—

(1) Preventing collision in controlled airspace between aircraft being operated in accordance with Special VFR or under IFR without VFR restrictions;

(2) Providing for the safe, orderly, and expeditious movement of air traffic operating in the vicinity of an airport with a functioning control tower; and

(3) Assisting pilots operating aircraft in any airspace in the safe conduct of their aircraft operation.

"Air Traffic Control clearance" means a specification issued by ATC, for air traffic control purposes, of the conditions under which an aircraft is to be operated.

2. Part 91—General Operating and Flight Rules would be amended by amending § 91.75 to read as follows:

§ 91.75 Compliance with ATC clearances.

(a) When a pilot-in-command accepts an ATC clearance under either VFR or IFR, he shall take action to comply with the terms of the clearance and may not deviate from it, unless—

(1) He accepts an amended clearance;

(2) Safety of the aircraft would be compromised by complying with the clearance, and ATC is notified as soon as possible; or

(3) He cancels his IFR flight plan while operating in VFR conditions.

(b) Regardless of whether he accepts a clearance under either VFR or IFR, when a pilot-in-command receives a clearance that requires immediate action (as conveyed by the use of the word "immediately," "now," or a word of similar connotation), he shall immediately initiate the action specified by the terms of the clearance and may not deviate from it unless safety of the aircraft would be compromised by adhering to the clearance and ATC is notified thereof as soon as possible.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 14, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5334; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-15]

CONTROL ZONE AND TRANSITION AREA

Supplemental Notice of Proposed Designation and Alteration; Correction

On April 28, 1965, Federal Register Document 65-4450 was published in the FEDERAL REGISTER (30 F.R. 5908) and proposed to amend, in part, §§ 71.165 and 71.181 of the Federal Aviation Regulations. In this supplemental notice paragraph (2), concerning the proposed description of the Columbia, Mo., transition area, contained certain printing and editorial discrepancies. Action is taken herein to correct these discrepancies.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-4450 (30 F.R. 5908) is amended as follows:

(2) Designate the Columbia, Mo., transition area as that airspace extending upward from 700 feet above the surface bounded on the N by latitude 39°09'00" N., on the W by longitude 92°31'00" W., on the S by latitude 38°53'30" N., on the E by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence N along longitude 92°31'00" W., to latitude 38°53'30" N., thence E along latitude 38°53'30" N., to longitude 92°14'00" W., thence S along longitude 92°14'00" W., to latitude 38°43'30" N., thence SE to latitude 38°39'10" N., longitude 92°06'15" W., thence SW to latitude 38°29'40" N., longitude 92°14'45" W., thence NW to the point of beginning.

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

Issued in Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5333; Filed, May 20, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-59]

FEDERAL AIRWAYS, CONTROL ZONE AND TRANSITION AREA

Proposed Designations and Alteration

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

A VOR with related public use instrument approaches is planned for the Manitowoc, Wis., Municipal Airport.

The Manitowoc, Wis., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44°07'30" N., longitude 87° 40'45" W.) and within 5 miles E and 8 miles W of the 351° bearing from the airport extending from the airport to 12 miles N of the airport.

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

(1) Designate the Manitowoc, Wis., control zone as that airspace within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 343° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Redesignate the Manitowoc, Wis., transition area to comprise that airspace extending upward from 700 feet above the surface within 8 miles W and 5 miles E of the Manitowoc VOR 343° and 163° radials extending from 2 miles S to 13 miles N of the VOR, and within 8 miles W and 5 miles E of the Manitowoc VOR 176° radial extending from the VOR to 12 miles S of the VOR.

The proposed Manitowoc control zone will provide protection for aircraft executing prescribed arrival and departure procedures at the Manitowoc Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of North Central Airlines. The hours during which weather observations are to be made, and the information disseminated, will be initially specified in the final rule. Normally, 30 days notice will be given prior to any change thereafter in the hours of operation by a Notice to Airmen and continuously published in the Airman's Information Manual. The Manitowoc control zone will become effective concurrently with the commissioning of the VOR.

The proposed transition area will provide protection for departing aircraft in their climb from 700 to 1,200 feet above the surface during the times that the control zone is not in effect. It will also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent to 1,000 feet above the surface when the control zone is in effect, and during descent to 700 feet above the surface when the control zone is not in effect.

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

Specific details of the public instrument approach procedure to be used may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5335; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-52]

FEDERAL AIRWAY

Proposed Realignment

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the VOR Federal airway No. 2 segment from Helena, Mont., via the intersection of the Helena 119° and the Bozeman, Mont., 338° True radials; Bozeman; intersection of the Bozeman 128° and the Livingston, Mont., 261° True radials; to Livingston.

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, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. 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 examination at the office of the Regional Air Traffic Division Chief.

The proposed realignment of V-2 would place this airway segment in an area of low mountain terrain where lesser weather phenomena, such as severe turbulence, icing, and snow showers, prevails. The present alignment of V-2 is approximately 11 miles shorter than the proposed realignment of the airway segment, but the latter would provide the best and safest service to the users.

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

Issued in Washington, D.C., on May 14, 1965.

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

[F.R. Doc. 65-5336; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-39]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors of 1,200 feet above the surface on segments of VOR Federal airways Nos. 21, 257, and 269.

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 proposal, set forth above, would establish floors of 1,200 feet above the surface on the following airway segments:

1. V-21 from Malad City, Idaho, via Pocatello, Idaho, Idaho Falls, Idaho, to Dubois, Idaho.
2. V-257 from Malad City via Pocatello to Dubois.
3. V-269 from Twin Falls, Idaho, via Burley, Idaho, to Pocatello.

The floors are proposed for these airways because the pertinent segments are designated for short distances in mountainous terrain and the 1,200-foot floors are necessary for climb and descent to and from the minimum enroute altitudes.

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

Issued in Washington, D.C., on May 14, 1965.

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

[F.R. Doc. 65-5337; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-62]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to designate controlled airspace at Warsaw, Ind.

An instrument approach procedure has been established for the Warsaw, Ind., Municipal Airport. The Warsaw Municipal Airport lies beneath the Chicago, Ill., South Bend, Ind., and Fort Wayne, Ind., transition areas which have a floor of 1,200 feet above the surface at Warsaw.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Warsaw, Ind., terminal area, proposes the following airspace action:

Designate the Warsaw, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Warsaw, Ind., Municipal Airport (latitude 41°17′00″ N., longitude 85°51′00″ W.); and within 2 miles each side of the Wolflake, Ind., VOR 278° radial, extending from the 5-mile radius area to 25 miles W of the VOR.

The transition area proposed herein would provide protection for departing aircraft at Warsaw during climb from 700 to 1,200 feet above the surface. It would also provide protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. The holding pattern, transition routes, and procedure turn areas are within the presently designated transitions areas for Chicago, South Bend, and Fort Wayne.

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

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

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5339; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-63]

TRANSITION AREA

Proposed Redesignation

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

The following controlled airspace is presently designated in the Dubuque, Iowa, terminal area:

The Dubuque, Iowa, transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24′10″ N., longitude 90°42′32″ W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Dubuque, Iowa, terminal area, proposes the following airspace action:

Redesignate the Dubuque, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24′10″ N., longitude 90°42′32″ W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-100, on the E by the W edge of V-63, on the S by the N edge of V-172, and on the W by the E edge of V-67, excluding the portions which overlie the Cedar Rapids, Iowa, and Waterloo, Iowa, transition areas.

The present Dubuque, Iowa, transition area provides controlled airspace for the protection of aircraft executing prescribed arrival, departure and holding procedures. The additional controlled airspace proposed herein would permit the Chicago, Ill., Air Route Traffic Control Center to provide radar vectoring services to aircraft operating to, from, and between Cedar Rapids, Iowa, and Dubuque, Iowa.

The additional proposed airspace will not have any effect on instrument approach procedure altitudes or minimums.

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

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

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas Ciy, Mo., 64110.

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

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

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5340; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 65-WA-7]

JET ROUTE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between the El Paso, Tex., and Winslow, Ariz., VORTAC's.

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 jet route, as proposed above, would connect Jet Route Nos. 2, 74, and 72 thereby providing alternate routings between Texas and the West Coast when unfavorable meteorological conditions exist on the primary routes.

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

Issued in Washington, D.C., on May 14, 1965.

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

[F.R. Doc. 65-5338; Filed, May 20, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-26]

NEW LONDON HARBOR

Notice of Closing to Navigation During Launching of USS "James K. Polk"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of Irvin J. Stephens, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE, NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby order that the waters of New London Harbor, New London, Conn., between the latitudes of 41°20'03" N., and 41°20'32" N., be closed to all persons and vessels on Saturday, 22 May 1965, from 1600 p.m., e.d.s.t., until the USS "James K. Polk" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the USS "James K. Polk" is scheduled for 1630 d.s.t., on Saturday, 22 May 1965. The northern and southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title * * * Or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: May 19, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 65-5407; Filed, May 20, 1965; 9:38 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Field Service Border Patrol Sectors; El Centro, Calif.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sector No. 12 of paragraph (d) *Border patrol sectors* of sec. 1.51 *Field service* is amended to read as follows:

SECTOR NO. 12—EL CENTRO, CALIF.

Bakersfield, Calif.
Calexico, Calif.
El Centro, Calif.
Indio, Calif.

Dated: May 18, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-5349; Filed, May 20, 1965; 8:47 a.m.]

Office of Alien Property

WIEN-FILM GESELLSCHAFT M.B.H., ET AL.

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wien-Film Gesellschaft m.b.H., Siebensterngasse 31, Vienna VII, Austria; Claim Nos. 44956 and 63562; $6,513.48 in the Treasury of the United States.

Gertrud Riederer, Hilscherstrasse 10, Bad-Wimpfen am Neckar, Germany; Claim No. 47351; $28.78 in the Treasury of the United States.

Emma Wernert, % Mrs. Martha Foerster, Rollbergstrasse 7, Neukoelln, Berlin 44, Germany; Claim No. 58791; $893.77 in the Treasury of the United States.

Karl Georg Hasenburger, Hauptstrasse 31, Fuerstenfeld, Steiermark, Austria; Claim No. 63385; $140.81 in the Treasury of the United States.

Dr. Richard Winterling, Defreggerstrasse 16, Innsbruck, Tyrol, Austria; Claim No. 63931; $300.00 in the Treasury of the United States.

Wulf Dieter Winterling, Defreggerstrasse 16, Innsbruck, Tyrol, Austria; Claim No. 63932; $800.00 in the Treasury of the United States.

Dr. Guido Beck, Av. Atlantica 290, Apt. 103, Rio de Janeiro, Brazil; Claim No. 66726; $331.33 in the Treasury of the United States.

Bernhard Draeger, Im Falkenrain 18, Stuttgart, Germany; Claim No. 67011; $12,592.41 in the Treasury of the United States.

Therese Schwaiger, Angeligasse 39/4, Vienna X, Austria; Claim No. 67029; $489.72 in the Treasury of the United States.

AUSTRO-MECHANA, Ungargasse 2, Vienna III, Austria; on behalf of its members as follows:

Max Depolo, Sennstrasse 10, Innsbruck, Austria; $29.23 in the Treasury of the United States.

Ludwig Schmidseder, Tengstrasse 16, Munich 13, West Germany; $5.72 in the Treasury of the United States.

Emilie Schanzer, Oberer Stadtplatz 33, Schaerding, Upper Austria; Successor of Rudolf Schanzer, deceased; $53.95 in the Treasury of the United States.

Rosa Steiner, doing business as Phoebus Musikverlag, Kapaunplatz 7, Vienna XX, Austria; $20.40 in the Treasury of the United States.

Walter Simlinger, Alter Platz 15, Klagenfurt, Austria; $8.39 in the Treasury of the United States.

Bruno Uher, Lindengasse 65, Vienna VIII, Austria; $35.58 in the Treasury of the United States.

Aloisia (Luise) Woytacek, Herbststrasse 31, Vienna XVI, Austria; Successor of Julius Lehnert, deceased; $89.37 in the Treasury of the United States.

Margarete Pfreimer, Leopold Ristergasse 5/24, Vienna V, Austria; Successor of Wilhelm Schmidt-Gentner, deceased; $47.23 in the Treasury of the United States.

Leonie Rainer, doing business as Johann Gross Musikverlag, Kaiser Josephstrasse 15, Innsbruck, Tyrol, Austria; $73.53 in the Treasury of the United States.

Anna Pernklau, Rainerstrasse 20, Wels, Upper Austria; Successor of Karl Pernklau, deceased; $121.98 in the Treasury of the United States.

Erich Meder, Lenaugasse 11, Vienna VIII, Austria; $9.41 in the Treasury of the United States.

Otto Riedlmayer, doing business as Solisten Verlag, Alserstrasse 43, Vienna VIII, Austria; $372.12 in the Treasury of the United States.

Wilhelm Jelinek, Roemergasse 56, Vienna XVI, Austria; $8.31 in the Treasury of the United States.

Roman Domanig, Linke Wienzeile 4, Vienna VI, Austria; Successor of Roman Domanig-Roll, deceased; $10.29 in the Treasury of the United States.

Peter Bernhuber and Marietta Bernhuber, both of 9/36 Schubertring, Vienna I, Austria; Successors of Ludwig Bernauer, deceased, and Frida Bernhuber, deceased; Claim No. 41887; $7.07 in the Treasury of the United States; $7.08 in the Treasury of the United States.

Executed at Washington, D.C., on May 18, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 65-5347; Filed, May 20, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 056553]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 13, 1965.

Notice of an application, serial number Anchorage 056553, for withdrawal and reservation of lands was published as Federal Register Document No. 62-3515 on page 3472 of the issue for April 11, 1962. The applicant agency has canceled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 such lands will be, at 10 a.m. on May 27, 1965, relieved of the segregative affect of the above mentioned application.

The lands involved in this notice of termination are:

ANCHORAGE TOWNSITE—EAST ADDITION

Block 23, Lots 1 and 2;
Block 24, Lots 4, 5, and 6.

The areas described aggregates 35,000 sq. ft.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 65-5358; Filed May 20, 1965; 8:49 a.m.]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land

MAY 17, 1965.

The Forest Service, Department of Agriculture, has filed application BLM 080551 for the withdrawal of the lands described below for addition to the Hiawatha National Forest, Mich.

The lands are within the exterior boundaries of the Hiawatha National Forest. Lots 3 and 4 sec. 15, T. 48 N., R. 19 W., were reserved for lighthouse purposes by Executive Order of December 9, 1852. The U.S. Coast Guard relinquished these lands, and by letter of October 2, 1964, this Office accepted accountability and responsibility therefor. Lot 1 sec. 12, T. 41 N., R. 1 E., is subject to a right of way for a range light and crib timber pier. A permit therefor was granted to the Michigan Limestone Division, United States Steel Corp. on April 4, 1964, for a term of 25 years. The remaining lands are vacant public domain, free of conflict.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

The Department's regulations, 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MICHIGAN MERIDIAN, MICH.

T. 41 N., R. 1 E., Mackinac County,
Sec. 12, lot 1.
T. 41 N., R. 2 E., Mackinac County,
Sec. 6, lot 5;
Sec. 7, lot 1.
T. 41 N., R. 3 E., Chippewa County,
Sec. 5, NE¼SW¼.
T. 43 N., R. 3 E., Chippewa County,
Sec. 24, lots 1 and 2;
Sec. 25, lots 6, 7 and 8.
T. 43 N., R. 4 E., Chippewa County,
Sec. 30, lots 1 and 2.
T. 47 N., R. 18 W., Alger County,
Sec. 6, all fractional.
T. 39 N., R. 19 W., Delta County,
Sec. 28, lot 1;
Sec. 33, lot 5.
T. 48 N., R. 19 W., Alger County,
Sec. 15, lots 3 and 4.
T. 39 N., R. 20 W., Delta County,
Sec. 3, lot 1.
T. 46 N., R. 29 W, Marquette County,
Sec. 25, SW¼SW¼.

The areas described aggregate 222.08 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 65-5344; Filed, May 20, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH AND WISCONSIN

Designation of Areas for Emergency Loans

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

UTAH

Box Elder.	Salt Lake.
Cache.	Utah.
Davis.	Weber.

WISCONSIN

Crawford.	Vernon.
Grant.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Wisconsin counties after December 31, 1965, or in the above-named Utah counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of May 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-5367; Filed, May 20, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has filed application dated May 5, 1965, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit its owned vessels, the "SS Robin Hood" and the "SS Robin Kirk," which are under extended time charters to States Marine Lines, Inc., for periods of about 2 to 4 months from March 12, 1965, and about 3 to 5 months from January 23, 1965, respectively, to load lumber and/or lumber products for carriage on one eastbound voyage each from U.S. North Pacific ports to U.S. Atlantic ports, commencing about June 3, 1965, and June 24, 1965.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or submit a written statement with reference to the application must, before the close of business on May 28, 1965, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received

after the close of business May 28, 1965, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held June 1, 1965, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: May 19, 1965.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-5388; Filed, May 20, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

APPLICATIONS FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing

Notice is hereby given that effective with this publication the following described application, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR, § 60.7:

The Educational Television Council of Central New York, Inc., 1130 Salt Springs Road, Syracuse, N.Y., File No. 101, for the establishment of a new noncommercial educational television station on channel 43, Syracuse, N.Y.

Any interested person may, pursuant to 45 CFR, section 60.8, within 30 calendar days from the date of this publication, file comments regarding the above application with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20203.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 65-5351; Filed, May 20, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-17]

TRANSSHIPMENT AND APPORTIONMENT AGREEMENTS FROM INDONESIAN PORTS TO U.S. ATLANTIC AND GULF PORTS

Order of Investigation

Agreement No. 9222 has been filed for approval under section 15 of the Shipping Act, 1916. The agreement provides for an exclusive arrangement for the carriage of through cargo from Indonesian ports to U.S. Atlantic and Gulf ports. The parties to this agreement are the originating carriers at Indonesian ports (First Carriers), who operate in the coastwise trade of Indonesia and provide a feeder service from Indonesian outports to base ports served by ocean carriers, and certain members of the Java/New York Rate Agreement, No. 90 (Second Carriers), who operate from base ports in Indonesia to U.S. Atlantic and Gulf ports.

Agreement No. 9202 has also been filed for approval under section 15. This agreement provides for the apportionment among the Second Carriers of transshipment cargo, originating at Indonesian outports, destined for U.S. Atlantic ports.

Agreement No. 9222, between First Carriers and Second Carriers, presents to us the necessity of determining, not only whether the agreement should be approved, disapproved, or modified, under section 15, but also the question of whether the First Carriers, who carry cargo destined for the United States but do not actually call at U.S. ports, are common carriers by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916. In addition, the Commission must decide whether the arrangement between the Second Carriers, who are common carriers in the foreign commerce of the United States, to enter into Agreement No. 9222 with First Carriers is an agreement subject to section 15.

Agreement No. 9202, providing for the apportionment among the Second Carriers of cargo carried under the transshipment agreement contemplated by Agreement No. 9222, presents to us the question of whether this agreement, alone or in connection with Agreement No. 9222, meets the standards of section 15.

The Commission has decided that, in order to determine whether Agreement No. 9222 is subject to section 15, whether the arrangement between the Second Carriers to enter into Agreement No. 9222 is subject to section 15, and whether these agreements or Agreement No. 9202 should be approved, disapproved, or modified, it will institute an investigation so that it can make these determinations upon an evidentiary record.

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

1. Whether First Carriers, parties to Agreement No. 9222, are common carriers by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916;

2. Whether Agreement No. 9222 is subject to the requirements of section 15 of the Shipping Act, 1916;

3. Whether Agreement No. 9222, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

4. Whether the arrangement between Second Carriers to enter into Agreement No. 9222 is an agreement subject to the requirements of section 15;

5. Whether the arrangement between Second Carriers to enter into Agreement No. 9222, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

6. Whether Agreement No. 9202 should be approved, disapproved, or modified pursuant to section 15;

7. Whether Agreements No. 9222 and 9202 represent the complete understanding between the parties;

8. Whether Agreement No. 9222, Agreement No. 9202, or the arrangement between the Second Carriers to enter into Agreement No. 9222 have been carried out in whole or part without approval of the Commission as required by section 15.

That the parties to Agreements No. 9222 and No. 9202, listed in Appendix A below, are hereby named respondents. Persons other than respondents who desire to become a party to this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 31, 1965, with copy to respondents.

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

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

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

FIRST CARRIERS

P.N. "Pelajaran Nasional Indonesia" (Pelni), % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

Straits Steamship Co., Ltd., % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

Kie Hock Shipping Co., Ltd., % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

Guan Guan Ltd., % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

SECOND CARRIERS

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

Barber-Fern Line, Barber Steamship Lines Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.
Compagnie Maritime des Chargeurs Reunis, Black Diamond Steamship Corp., General Agents, 2 Broadway, New York, N.Y., 10004.
Hoegh Lines, Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.
Isthmian Lines, Inc., States Marine—Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
Maersk Line (A. P. Moller), 67 Broad Street, New York, N.Y., 10004.
Mitsui O. S. K. Lines, Ltd., 17 Battery Place, New York, N.Y., 10004.
N. V. Nedlloyd Lijnen, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y., 10004.

[F.R. Doc. 65-5357; Filed, May 20, 1965; 8:49 a.m.]

CITY OF NEW YORK AND CUNARD STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

The city of New York, Department of Marine and Aviation, Battery Maritime Building, New York, N.Y., 10004.

Agreement No. T-1791, between the city of New York (City) and the Cunard Steamship Co., Ltd. (Company), provides for Company's lease of Pier 51 and certain property at New York, to be used for steamship terminal purposes.

For annual rental Company agrees to pay a fixed sum for the pier plus a percentage of the cost of furnishing new doors on the bulkhead shed, and a fixed sum for the marginal street area.

Company agrees to deliver to City a percentage of all wharfage charges collected for craft not owned, chartered, or engaged in loading or unloading vessels owned or chartered by Company. City's Commissioner of Marine and Aviation will fix these charges.

Dated: May 18, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5354; Filed, May 20, 1965; 8:48 a.m.]

FAR EAST CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of proposed language changes in a dual rate contract form as set forth in a petition filed by:

Mr. Elkan Turk, Jr., Burlingham, Underwood, Barron, Wright, and White, 26 Broadway, New York, N.Y., 10004.

There has been filed on behalf of the Far East Conference a petition requesting permission to make certain language changes in the form of dual rate contract approved for the Far East Conference as indicated:

To amend Article 1(f) by placing a period after the word "lots", in the second line thereof, and by deleting the balance thereof and substituting therefor, the following language:

This Agreement also shall not apply to any shipments by Merchant of Merchant's proprietary cargo when carried in vessels owned by Merchant or in vessels fully time or bareboat chartered by Merchant for the exclusive use of the Merchant for a period of not less than six (6) months. As used herein, "proprietary cargo" means cargo which has been raised, grown, manufactured, or produced by Merchant, and is marketed by Merchant in its name as its own product. It does not include goods purchased by Merchant or bought and sold by Merchant on behalf of others. It excludes all goods of agents, traders, or commission merchants.

Dated: May 18, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5355; Filed, May 20, 1965; 8:48 a.m.]

STATES MARINE LINES JOINT SERVICE AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. E. Sherwood, Director of Market Research, American Mail Line, 1010 Washington Building, Seattle 1, Wash.

Agreement 9428-1 between States Marine Lines Joint Service and American Mail Line Ltd., amends the basic agreement by altering the apportionment of through rates and transhipment expenses on cargo originating in the Philippines and destined to U.S. West Coast ports with transshipment in Japan.

Dated: May 18, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5356; Filed, May 20, 1965; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT DIRECTORS FOR MANAGEMENT AND ASSISTANT DIRECTORS FOR PROGRAMS

Delegation of Final Authority

Section II, Delegations of Final Authority, is amended as follows:

Paragraph C3 is changed to read as follows:

C3. To exercise all powers and authorities vested in the Commissioner in all matters relating to the maintenance and operation of such housing, except the approval of income limits; and in all matters relating to the carrying out of relocation plans.

Assistant Directors for Management.

A new paragraph C4 is added to read as follows:

C4. To exercise all powers and authorities vested in the Commissioner in all matters relating to economic aspects in connection with such housing, including the need for low-income housing, income limits, and gap determinations; in all matters relating to the adequacy of relocation resources and relocation plans;

and in approving contracts for relocation services.

Assistant Directors for Programs.

The following paragraphs should be renumbered as shown:

From	*To*
C4	C5
C5	C6
C6	C7
C7	C8

This delegation supersedes the delegation approved October 27, 1962 (27 F.R. 10777, November 3, 1962).

Effective as of the 9th day of April 1965.

Approved: May 17, 1965.

MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 65-5343; Filed, May 20, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[01-4]

BOSTON SAFE DEPOSIT & TRUST CO.

Notice of Application and Opportunity for Hearing

MAY 17, 1965.

Notice is hereby given that Boston Safe Deposit & Trust Co. ("the Bank"), Boston, Mass., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act"), for an order exempting it from the registration provisions of section 12 (g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Bank from section 13 or 14 of the Act and any officer, director or beneficial owner of more than 10 percent of the Bank's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million and a class of equity securities held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of equity securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitation provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Bank's application states, in part:

1. The Bank, a Massachusetts corporation, had approximately $90 million total assets and 960 holders of its single class of capital stock, $50 par value, on December 31, 1964. It is not subject to the jurisdiction of any federal bank regulatory agency and would, therefore, have to register on or before April 30, 1965 (extended to June 30, 1965, by the Commission).

2. Pursuant to an Exchange Offer registered under the Securities Act of 1933, commenced on March 15, 1965, The Boston Co., Inc. ("Boston Company") has acquired as of April 21, 1965, over 97 percent of the Bank's outstanding shares. As of the latter date the Bank had only 44 stockholders of record including Boston Company, which now has more than 900 stockholders of record.

3. In the event the Commission should issue an order exempting the Bank from the registration (and other) requirements of section 12(g) of the Act, Boston Company has undertaken to file, not later than 30 days following the date of such order, a registration statement under section 12(g) of the Act with respect to its Class A Common Stock and Class B Common Stock.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 7, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5341; Filed, May 20, 1965; 8:46 a.m.]

[Filed No. 01-35]

FONTANA UNION WATER CO.

Notice of Application and Opportunity for Hearing

MAY 17, 1965.

Notice is hereby given that the Fontana Union Water Co. ("Company"), Fontana, Calif., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for a finding that by reason of the limited amount of trading interest in its securities and the nature and extent of its activities, an exemption from the registration provisions of section 12(g) of the Act would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting the Company from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of the Company's equity security from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966 by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Company's application states, in part:

The Company was incorporated in California on April 26, 1912, as a nonprofit cooperative irrigation Company for the purpose of providing water service at cost to its shareholders. As of December 31, 1964 it had total assets in excess of $5,000,000 and has 775 shareholders of its 15,000 outstanding shares.

All but 2 percent of the shares outstanding are held by persons receiving service from the Company and there is no market for the Company's stock. Of the outstanding shares 70 percent are owned by the Kaiser Steel Co. and the San Gabriel Valley Water Co., a public utility registered with the California Public Utilities Commission. The remaining shares are held by farmers, individual land owners or former landholders, and other governmental agencies such as the Cities of San Bernardino, Fontana, and Rialto.

Shareholders annually receive certified financial statements of the Company.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 7, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the in-

terest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 65-5342; Filed, May 20, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 18, 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. 39778—*Scrap iron or steel to Ashland, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2778), for interested rail carriers. Rates on scrap iron or steel (not copper clad), viz.: scraps or pieces of iron or steel having value for remelting purposes only, in carloads, from Ambridge, Pa., to Ashland, Ky.

Grounds for relief—Truck-barge competition.

Tariff—Supplement 110 to The Pennsylvania Railroad Co. tariff I.C.C. 3524.

FSA No. 39779—*Liquid caustic soda to Nixon, Ga.* Filed by O. W. South, Jr., agent (No. A4688), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, and on shipments subject to minimum of 4 tank carloads, from LeMoyne, Ala., to Nixon, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 189 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39780—*Sulphuric acid to Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A4689), for interested rail carriers. Rates on sulphuric acid, in tank carloads, and shipments subject to minimum of 5 tank carloads, from Copperhill, Tenn., to Montgomery, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 121 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

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

[F.R. Doc. 65-5352; Filed, May 20, 1965; 8:47 a.m.]

No. 98——5

[Notice 1177]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 18, 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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67642. By order of May 14, 1965, the Transfer Board on reconsideration approved the transfer to P. F. McDade and Son, Inc., Philadelphia, Pa., of the operating rights of Francis Joseph McDade, doing business as P. F. McDade and Son, Philadelphia, Pa., issued July 27, 1960, and August 2, 1960, in Certificates Nos. MC-17355 and MC-17355 (Sub-No. 3), authorizing the transportation, over irregular routes of household goods, water heaters, and general commodities, excluding household goods and commodities in bulk, from, to, and between specified points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, varying with the commodities indicated. John A. M. McCarthy, 532-35 Western Saving Fund Building, Southeast Corner Broad and Chestnut Streets, Philadelphia, Pa., 19107, attorney for applicants.

No. MC-FC-67706. By order of May 12, 1965, the Transfer Board approved the transfer to J. K. McKeown Co., Inc., Arlington, Mass., of a portion of the operating rights in Certificate No. MC-109453, issued February 25, 1965, to Wood Brothers, Inc., Arlington, Mass., authorizing the transportation of: Household goods, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, and Wisconsin. Robert J. Gallager, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC-FC-67710. By order of May 12, 1965, the Transfer Board approved the transfer to J. C. Pitts, doing business as Refrigeration Delivery Service, Wichita, Kans., of Certificate of Registration in No. MC-121480 (Sub-No. 1), issued February 24, 1964, to J. C. Pitts and Robert Cawthorn, a partnership, doing business as Refrigeration Delivery Service, Wichita, Kans., authorizing the transportation of certain specified commodities, between all points in the State of Kansas, restricted to mechanically refrigerated equipment. William C. Farmer, 729 Beacon Building, Wichita, Kans., attorney for applicants.

No. MC-FC-67826. By order of May 12, 1965, the Transfer Board approved the transfer to Steelman Express, Inc., Rosemont, Pa., of the operating rights in the Certificate of Registration No. MC-120953 (Sub-No. 1), issued February 12, 1965, to Eileen K. Steelman, doing business as R. S. Steelman Express, Upper Darby, Pa., authorizing, as a Class D carrier, the transportation of property, excluding household goods, and other specified commodities, between points in the Township of Upper Darby, Pa., and from points in the Township of Upper Darby to points within an airline distance of 10 miles, excluding Philadelphia; to transport parcels, packages, and merchandise from retail and department stores and specialty shops in the Borough of Darby and the Township of Upper Darby, to customers of the stores and shops within 10 miles of the limits of said township to customers in the city and county of Philadelphia and the return of refused or damaged goods; and from points in the city and county of Philadelphia to the said stores and shops and to their customers within 10 miles of the said township; and to transport property, excluding household goods in use, between points in the city and county of Philadelphia. Raymond A. Thistle, Jr., 1500 Walnut Street, Philadelphia, Pa., attorney for applicants.

No. MC-FC-67827. By order of May 12, 1965, the Transfer Board approved the transfer to Francis Petrella & Joseph Petrella, a partnership, doing business as Petrella's Express, Downingtown, Pa., of the operating rights issued by the Commission July 3, 1941, under Permit No. MC-42043, to Arthur Petrella, Downingtown, Pa., authorizing the transportation, over regular routes, of paper and paper products, between Downingtown, Pa., and Camden, N.J. G. Donald Bullock, Box 103, Wyncote, Pa., representative for applicants.

No. MC-FC-67828. By order of May 13, 1965, the Transfer Board approved the transfer to Tennessee Trailblazers, 928 Harrison Street, Nashville, Tenn., of the operating rights issued by the Commission February 13, 1959, under Certificate No. MC-57976 (Sub-No. 2) to C. V. Buttrey and L. L. Treanor, doing business as Tennessee Trailblazers, 928 Harrison Street, Nashville, Tenn., authorizing the transportation, over regular routes, of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Nashville, Tenn., and Florence, Ala., serving all intermediate points; between Dickson, Tenn., and junction Tennessee Highways 46 and 100, between Hohenwald, Tenn., and junction Tennessee Highways 13 and 48, between Hohenwald, Tenn., and Summertown Crossroads, Tenn., between Waynesboro, Tenn., and Corinth, Miss., between junction Tennessee Highways 22 and 57, and Corinth, Miss.; between Selmer, Tenn., and junction Tennessee Highway 57 and U.S. Highway 45; between Lyles, Tenn., and junction unnumbered highway and Tennessee Highway 100 and between Wrigley, Tenn., and junction unnumbered highway and Tennessee Highway 100.

No. MC-FC-67835. By order of May 13, 1965, the Transfer Board approved

the transfer to Viero Graziani, Fred Graziani and Arthur Graziani, a partnership, doing business as A. Graziani & Sons, 1057 Butler Avenue, New Castle, Pa., of Permit No. MC-1407 issued November 4, 1964, to Robert B. Metz, Rural Delivery No. 1, New Middletown, Ohio, authorizing the transportation of building and road construction materials, over irregular routes, from Darlington, and Hillsville, Pa., and points within 5 miles of Darlington and Hillsville, to points in Columbiana, Mahoning and Trumbull Counties, Ohio.

No. MC-FC-67851. By order of May 14, 1965, the Transfer Board approved the transfer to Kern's Trucking, Inc., Pittsfield, Mass., of the operating rights in Certificate of Registration No. MC-120928 (Sub-No. 1), issued January 28, 1964, to Fred A. Kern, doing business as Kern's Trucking, corresponding to the grant of Irregular Route Common Carrier Certificate No. 5366 dated January 11, 1940, issued by the Massachusetts Department of Public Utilities. Anthony J. Ruberto, 184 North Street, Pittsfield, Mass., attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5353; Filed, May 20, 1965; 8:48 a.m.]

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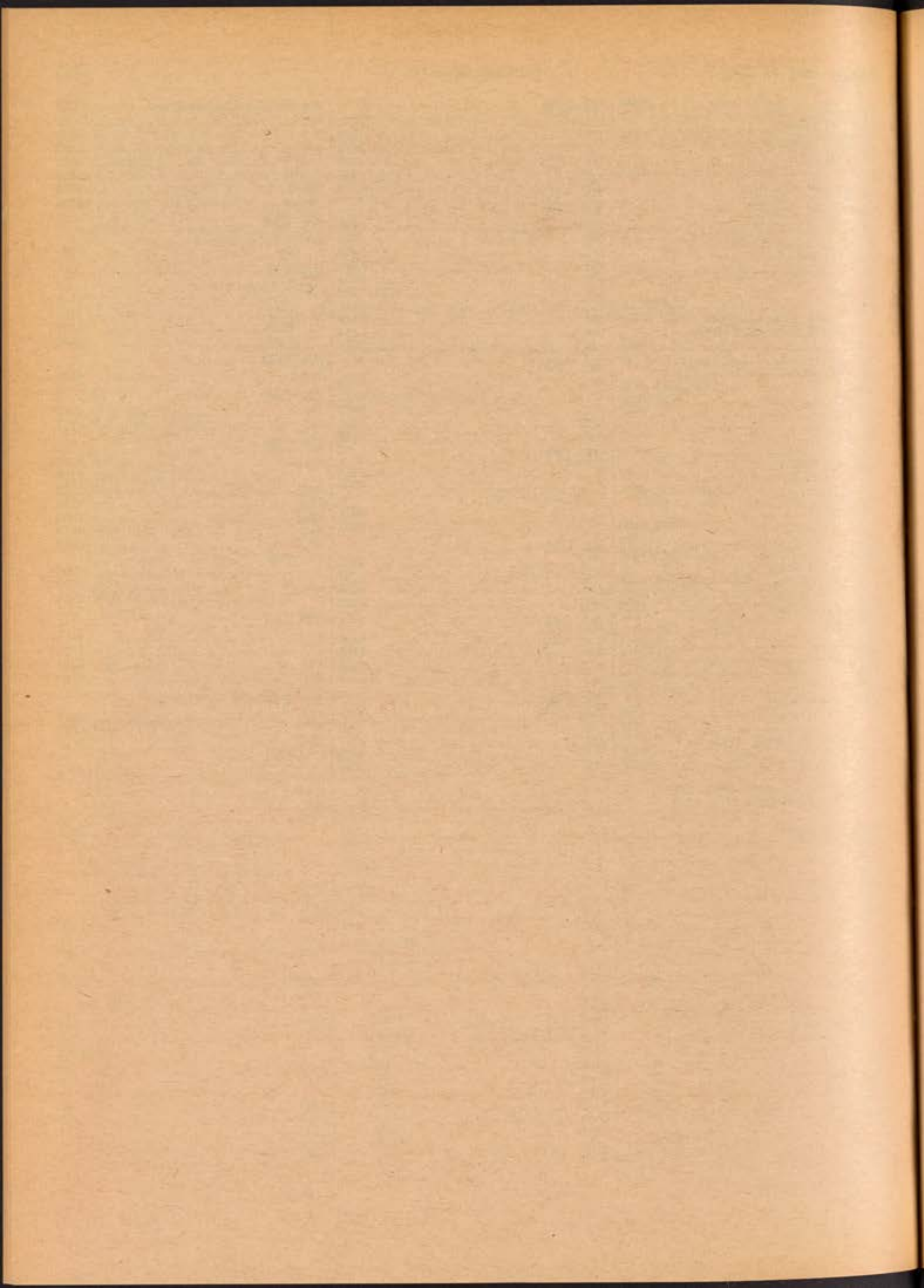

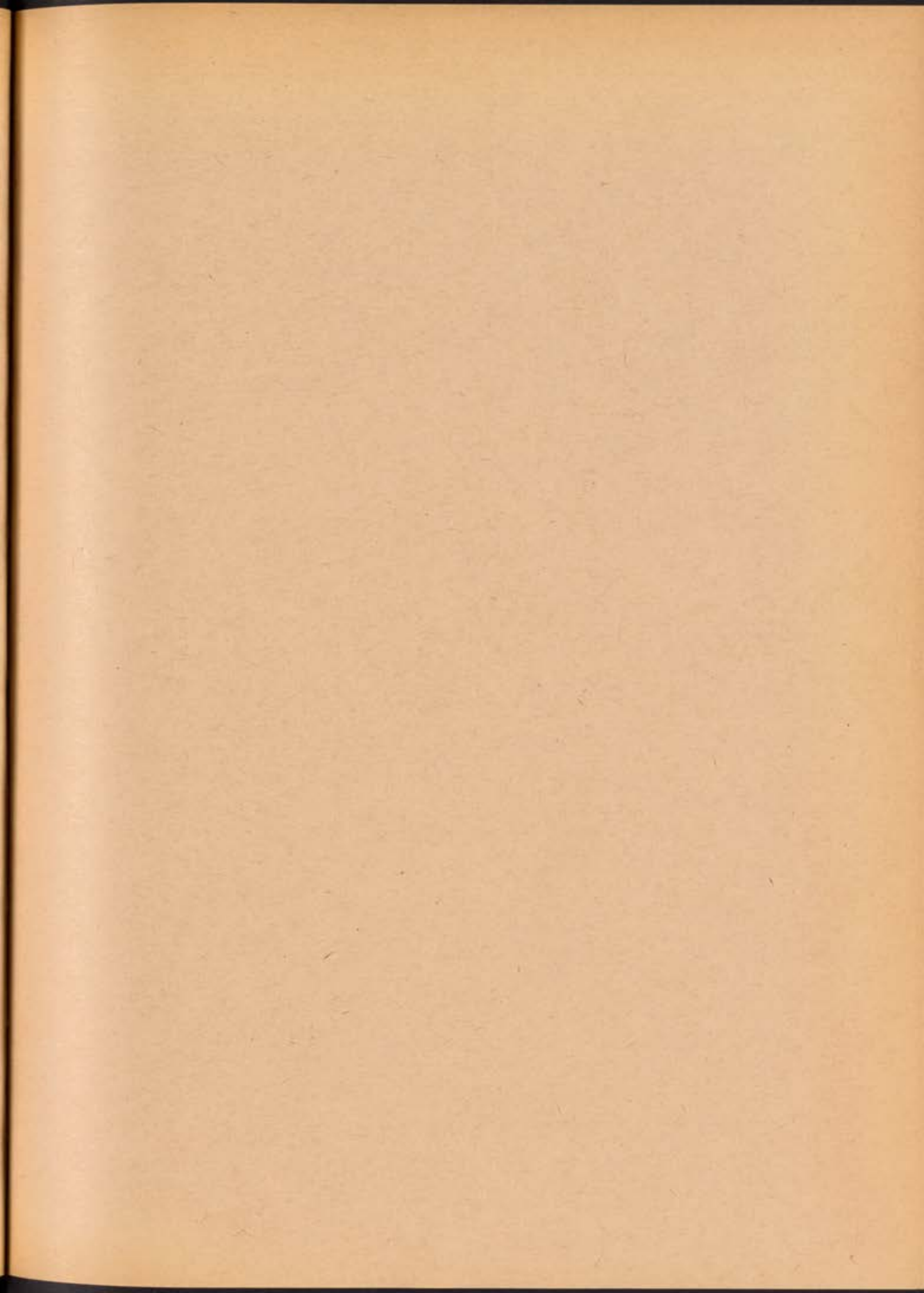

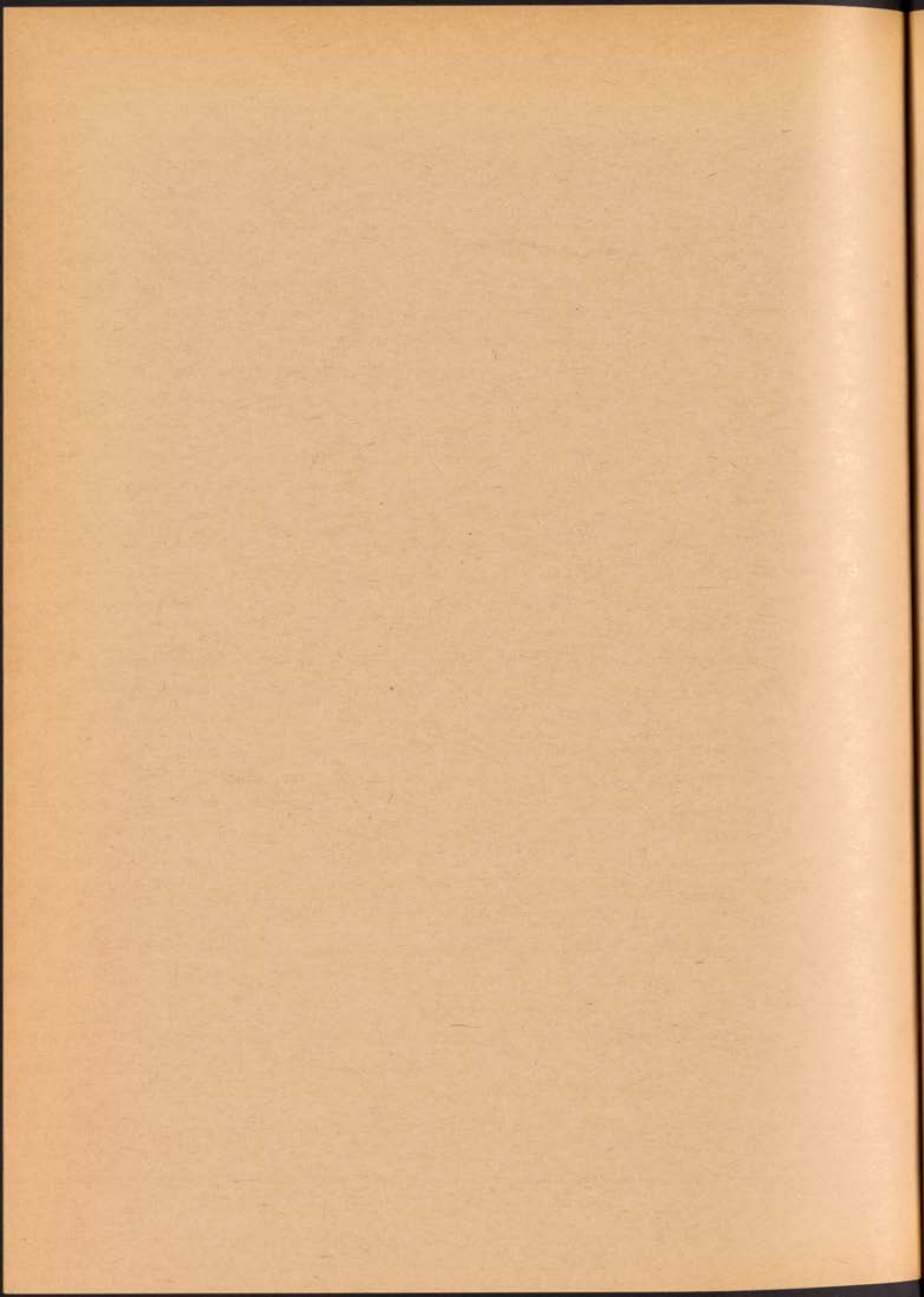

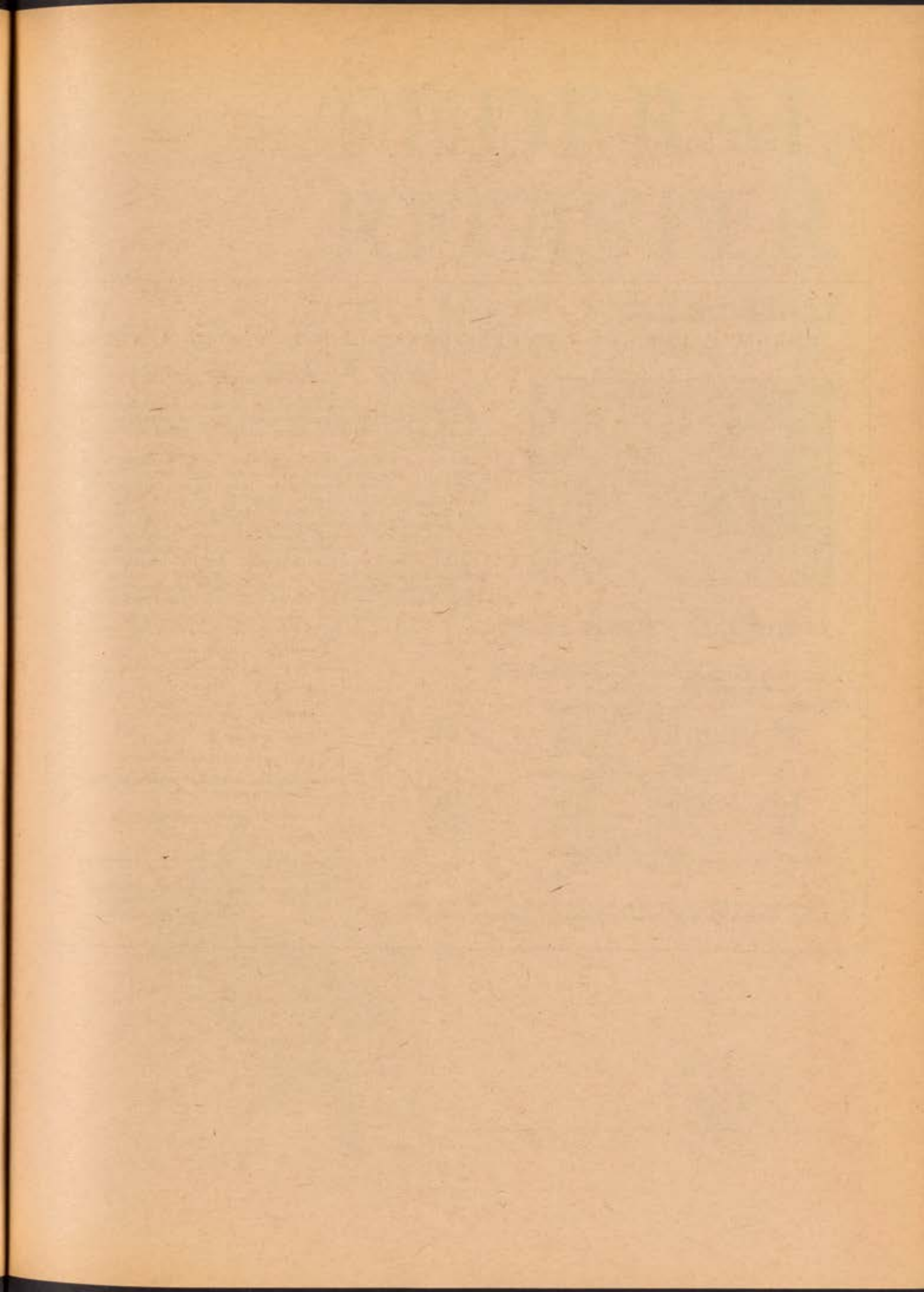

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