

FEDERAL REGISTER

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Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Alien Property Office
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
National Park Service
Renegotiation Board
Securities and Exchange Commission
Small Business Administration
Veterans Administration

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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.

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Rules and Regulations

Title 7—AGRICULTURE

STANDARD PACK

§ 51.1154 Standard pack.

(a) Fruit shall be fairly uniform in size and shall be placed packed in boxes or cartons and arranged according to the approved and recognized methods and shall meet the applicable size requirements set forth in this section.

(b) All containers shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of over-filled containers.

(c) When packed in half-standard $\frac{1}{2}$ bushel nailed boxes or $1\frac{1}{2}$ bushel wire-bound boxes, the bulge of any box shall not exceed $1\frac{1}{4}$ inches; when packed in $\frac{1}{2}$ bushel wire-bound boxes including the $\frac{1}{2}$ bushel flat wire-bound boxes, the bulge of any box shall not exceed 1 inch; when packed in telescope cartons, the bottom of each telescope cover when in place shall not be more than $\frac{3}{4}$ inch above the bottom of the carton container and each container shall be at least level full at time of packing.

(d) Fruit in each container shall meet the size, count, and pack arrangement given in one of the following tables for the various types of fruit and sizes of containers:

TABLE 1

When oranges, including Navel, are packed in $1\frac{1}{2}$ bushel wire-bound boxes:

Size and count	Pack	Rows	Layers
100's.....	4 x 4 or	5	5
125's.....	5 x 5	4	5
150's.....	5 x 5	5	5
163's.....	7 x 6	5	5
200's.....	8 x 8	5	5
252's.....	7 x 7	6	6
324's.....	9 x 9	6	6

Provided, That when Navel oranges are packed in this container, the sizes and minimum diameters may be as follows:

Size and count	Minimum diameter in inches
96's.....	3 $\frac{1}{16}$
125's or 126's.....	3 $\frac{1}{16}$
150's.....	3
175's or 176's.....	2 $\frac{1}{16}$
216's.....	2 $\frac{1}{16}$
252's.....	2 $\frac{1}{16}$
288's or 294's.....	2 $\frac{1}{16}$
324's.....	2 $\frac{1}{16}$

TABLE 2

When Temple oranges and tangelos are packed in $\frac{1}{2}$ bushel flat wire-bound boxes:

Size and count	Pack	Rows	Layers	Minimum diameter in inches
54's.....	4 x 5	4	3	3 $\frac{1}{16}$
66's.....	6 x 5	4	3	3 $\frac{1}{16}$
80's.....	4 x 4	5	4	3
100's.....	5 x 5	5	4	2 $\frac{1}{16}$
120's.....	5 x 5	6	4	2 $\frac{1}{16}$
150's.....	7 x 6	6	4	2 $\frac{1}{16}$

Provided, That when Murcott honey oranges are packed in this container, or in $\frac{1}{2}$

bushel nailed boxes, the sizes, packs and minimum diameters shall be as follows:

Size and count	Pack	Rows	Layers	Minimum diameter in inches
100's.....	5 x 5	4	5	2 $\frac{1}{16}$
125's.....	4 x 4	5	6	2 $\frac{1}{16}$
150's.....	5 x 5	5	6	2 $\frac{1}{16}$
175's.....	6 x 6	5	6	2 $\frac{1}{16}$
210's.....	5 x 5	6	7	2 $\frac{1}{16}$
240's.....	6 x 6	6	7	2 $\frac{1}{16}$
294's.....	7 x 7	6	7	2

TABLE 3

When oranges, Temple oranges, Navel oranges and tangelos are packed in $\frac{1}{2}$ bushel wire-bound boxes and $\frac{1}{2}$ bushel fiberboard cartons:

Size	Count	Pack	Rows	Layers
100's.....	50	3 x 2	5	4
125's.....	64	4 x 4	4	4
150's.....	80 or	5 x 5	4	4
163's.....	80	4 x 4	4	5
200's.....	100 or	5 x 5	4	5
252's.....	100	4 x 4	5	5
324's.....	125	5 x 5	5	5
	163	7 x 6	5	5

Provided, That when Navel oranges are packed in these containers, the size, pack and count may be as follows:

Size	Count	Pack	Rows	Layers
96's.....	48	3 x 3	4	4
125's or 126's.....	64	4 x 4	4	4
150's.....	72	5 x 4	4	4
175's or 176's.....	88	4 x 3	5	5
216's.....	112	4 x 5	5	5
252's.....	125	5 x 5	5	5
288's.....	150	6 x 6	5	5
324's.....	162	6 x 7	5	5

And provided further, That when Murcott honey oranges are packed in these containers the size, pack and count shall be as follows:

Size	Count	Pack	Rows	Layers
100's.....	100	5 x 5	4	5
120's.....	120	4 x 4	5	6
150's.....	150	5 x 5	5	6
175's.....	180	6 x 6	5	6
210's.....	210	5 x 5	6	7
240's.....	240	6 x 6	6	7
294's.....	294	7 x 7	6	7

(e) "Fairly uniform in size", as applied to oranges packed in containers as set forth in paragraph (d) of this section, means not more than 10 percent, by count, of the fruits in any container are below the minimum diameters given for the various packs or vary more than the following amounts:

Size	Diameter range in inches
100's and 125's.....	$\frac{1}{16}$
163's and 200's.....	$\frac{1}{16}$
252's and 324's.....	$\frac{1}{16}$

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fail to meet the requirements of standard pack.

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

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

Subpart—United States Standards for Grades of Florida Oranges and Tangelos¹

STANDARD PACK AND SIZING

On January 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 756) regarding a proposed amendment of United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

Statement of considerations leading to the amendment of the grade standards. The purpose of the amendment is to change the standard pack section and incorporate a standard sizing section that would bring the U.S. Standards for Grades of Florida Oranges and Tangelos into conformity with current packing practices.

The standard pack section is changed to require fruit to be fairly uniform in size, tightly packed, well filled, and to meet the size, count and pack arrangements given for the various types of fruit and sizes of containers.

A new standard sizing section is provided for certifying pack in containers in which fruit is not packed according to a definite pattern or is packed in bags or in bulk loads.

The notice afforded interested persons an opportunity to file written data, views and arguments concerning the proposed amendment. No comments were received in opposition to the proposal. However, certain changes in wording have been made in the text of the proposal in the interest of clarity.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, § 51.1154 of the United States Standards for Grades of Florida Oranges and Tangelos is hereby amended and § 51.1154a is hereby added pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). Amended §§ 51.1154 and 51.1154a read as follows:

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

STANDARD SIZING

§ 51.1154a Standard sizing.

(a) Boxes, cartons, bag packs or bulk loads in which oranges are not packed according to a definite pattern do not meet the requirements of standard pack, but may be certified as meeting the requirements of standard sizing: *Provided*, That the oranges are fairly uniform in size as defined in this section: *And provided further*, That when packed in boxes or cartons the contents have been properly shaken down and the container is at least level full at time of packing.

(b) "Fairly uniform in size" as applied to oranges packed as set forth in paragraph (a) of this section, means that not more than 10 percent, by count, of the fruits are outside the range of diameters given for the following pack sizes:

Size	Diameter in inches	
	Minimum	Maximum
100's	3 1/4	3 1/2
125's	3 1/4	3 1/2
163's	2 1/4	3 1/4
200's	2 1/4	3
252's	2 1/4	2 3/4
324's	2 1/4	2 3/4

(c) When oranges are packed in containers, in order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may fall to meet the requirements of standard sizing.

(Secs. 203, 205, 60 Stat. 1087 as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

This amendment to the United States Standards for Grades of Florida Oranges and Tangelos shall become effective on April 15, 1965.

Dated: March 15, 1965.

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

[F.R. Doc. 65-2783; Filed, Mar. 18, 1965; 8:45 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 7]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1963 Crop

§ 842.9 Approved local areas for the 1963 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1963-crop sugarbeets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarbeets on farms

in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarbeets planted on all farms in such county or local producing area.

(a) California.

Entire counties

Butte. San Luis Obispo.
Colusa. Santa Clara.
Glenn. Santa Cruz.
Imperial. Solano.
Los Angeles. Stanislaus.
Riverside. Sutter.
Sacramento. Tehama.
San Benito. Yolo.

Individual Local Producing Areas

County and areas

Alameda: T. 3 S., R. 2 W.
Kern: T. 25 S., R. 24 E.; T. 26 S., R. 23 E.; T. 27 S., R. 24 E.; T. 27 S., R. 25 E.; T. 30 S., R. 27 E.; T. 32 S., R. 27 E.; T. 32 S., R. 28 E.
Kings: T. 18 S., R. 20 E.; T. 19 S., R. 20 E.; T. 21 S., R. 19 E.
Monterey: T. 13 S., R. 2 E.; T. 14 S., R. 2 E.; T. 15 S., R. 3 E.; T. 17 S., R. 6 E.; T. 18 S., R. 6 E.; T. 19 S., R. 8 E.; T. 20 S., R. 8 E.; T. 21 S., R. 8 E.; T. 22 S., R. 10 E.; T. 23 S., R. 9 E.
San Joaquin: T. 1 N., R. 6 E.; T. 1 N., R. 7 E.; T. 1 N., R. 8 E.; T. 1 N., R. 9 E.; T. 2 N., R. 5 E.; T. 2 N., R. 8 E.; T. 3 N., R. 7 E.; T. 4 N., R. 6 E.; T. 1 S., R. 5 E.; T. 1 S., R. 7 E.; T. 1 S., R. 8 E.; T. 3 S., R. 5 E.
Santa Barbara: T. 5 N., R. 32 W.; T. 6 N., R. 31 W.; T. 7 N., R. 35 W.
Tulare: T. 16 S., R. 23 E.; T. 16 S., R. 25 E.; T. 21 S., R. 24 E.; T. 21 S., R. 25 E.; T. 22 S., R. 24 E.; T. 22 S., R. 25 E.; T. 23 S., R. 24 E.

(b) Colorado.

Entire counties

Adams. Mesa.
Baca. Montrose.
Bent. Morgan.
Boulder. Otero.
Crowley. Prowers.
Delta. Pueblo.
Kit Carson. Sedgwick.
Larimer. Washington.
Las Animas. Weld.
Logan.

(c) Idaho.

Entire counties

Ada. Fremont.
Bannock. Gem.
Bonneville. Jefferson.
Caribou. Owyhee.
Franklin. Payette.

Individual Local Producing Areas

County and areas

Bingham: T. 2 S., R. 37 E.; T. 1 N., R. 38 E.; T. 3 S., R. 32 E.; T. 4 S., R. 34 E.; T. 3 S., R. 36 E.
Canyon: T. 2 N., R. 3 W.; T. 1 N., R. 2 W.
Cassia: T. 9 S., R. 24 E.; T. 15 S., R. 26 E.; T. 12 S., R. 27 E.; T. 21 S., R. 25 E.; T. 12 S., R. 21 E.; T. 14 S., R. 27 E.
Gooding: T. 6 S., R. 14 E.; T. 6 S., R. 15 E.; T. 5 S., R. 15 E.
Jerome: T. 7 S., R. 16 E.; T. 9 S., R. 16 E.; T. 8 S., R. 18 E.; T. 9 S., R. 18 E.; T. 7 S., R. 19 E.; T. 7 S., R. 20 E.; T. 8 S., R. 20 E.; T. 9 S., R. 21 E.; T. 10 S., R. 21 E.
Lincoln: T. 6 S., R. 17 E.
Madison: T. 4 N., R. 40 E.; T. 6 N., R. 39 E.; T. 5 N., R. 40 E.
Minidoka: T. 8 S., R. 22 E.
Twin Falls: T. 11 S., R. 14 E.
Washington: T. 11 N., R. 5 W.

(d) Illinois.

Entire counties

Cook. Will.
Kankakee.

(e) Indiana.

Entire county

Lake.

(f) Iowa.

Entire counties

Cerro Gordo. Winnebago.
Hancock. Woodbury.
Kossuth. Worth.
Monona.

(g) Kansas.

Entire counties

Grant. Wichita.
Wallace. Stanton.
Finney. Haskell.
Sherman.

Individual Local Producing Areas

County and areas

Kearny: T. 24 S., R. 36 W.; T. 23 S., R. 35 W.

(h) Michigan.

Entire counties

Genesee. Midland.
Gladwin. Monroe.
Gratiot. Newaygo.
Huron. Saginaw.
Isabella. St. Clair.
Lapeer. Sanilac.
Lenawee. Tuscola.
Macomb.

Individual Local Producing Areas

County and areas

Arenac: Lincoln, Turner.
Bay: Gibson, Mt. Forest, Garfield.

(i) Minnesota.

Entire counties

Brown. Nicollet.
Cottonwood. Redwood.
Faribault. Renville.
Kandiyohi. Sibley.
McLeod. Swift.
Martin. Wright.

Individual Local Producing Areas

County and areas

Carver: Young America.
Clay: Alliance, Elmwood, Holy Cross.
West Polk: Andover, Grand Forks, Hammond, Huntville, Nesbit, Russia, Sullivan, Tynasid, Roome.
Wilkin: Deerborn.

(j) Montana.

Entire counties

Broadwater. Missoula.
Lake.

Individual Local Producing Areas

County and areas

Carbon: T. 8 S., R. 22 E.
Ravalli: T. 9 N., R. 20 W.; T. 6 N., R. 20 W.
Rosebud: T. 6 N., R. 30 E.

(k) Nebraska.

Entire counties

Brown. Furnas.
Buffalo. Hall.
Cedar. Hamilton.
Cheyenne. Kearney.
Custer. Lincoln.
Dawson. Phelps.
Dundy. Red Willow.
Franklin. Valley.

Individual Local Producing Areas

County and areas

Box Butte: T. 24 N., R. 49 W.; T. 27 N., R. 48 W.; T. 24 N., R. 47 W.
 Keith: T. 13 N., R. 40 W.; T. 14 N., R. 35 W.
 Sheridan: T. 29 N., R. 46 W.
 Scotts Bluff: T. 21 N., R. 52 W.; T. 21 N., R. 53 W.; T. 21 N., R. 54 W.; T. 21 N., R. 55 W.; T. 21 N., R. 56 W.; T. 21 N., R. 58 W.; T. 22 N., R. 52 W.; T. 22 N., R. 53 W.; T. 22 N., R. 54 W.; T. 22 N., R. 55 W.; T. 22 N., R. 56 W.; T. 22 N., R. 57 W.; T. 22 N., R. 58 W.; T. 23 N., R. 55 W.; T. 23 N., R. 56 W.; T. 23 N., R. 57 W.; T. 23 N., R. 58 W.

(D) Nevada.

Entire county

Washoe.

(m) North Dakota.

Entire counties

Cass. Richland.
 Foster. Steele.

Individual Local Producing Areas

County and areas

Grand Forks: Chester, Ferry.
 McKenzie: Yellowstone.
 Traft: Caledonia, Bingham, Stavanger.

(n) Ohio.

Entire counties

Allen. Lucas.
 Auglaize. Ottawa.
 Erie. Putnam.
 Hancock. Sandusky.
 Hardin. Seneca.
 Henry. Van Wert.
 Huron. Wood.

Individual Local Producing Areas

County and areas

Fulton: York.
 Mercer: Hopewell.

(o) Oregon.

Individual Local Producing Areas

County and areas

Malheur: T. 19 S., R. 43 E.; T. 17 S., R. 44 E.; T. 19 S., R. 44 E.; T. 19 S., R. 45 E.; T. 20 S., R. 45 E.; T. 19 S., R. 46 E.; T. 20 S., R. 46 E.; T. 21 S., R. 46 E.; T. 22 S., R. 46 E.; T. 16 S., R. 48 E.

(p) South Dakota.

Individual Local Producing Areas

County and areas

Butte: T. 8 N., R. 3 E.; T. 8 N., R. 4 E.
 Turner: T. 97 N., R. 52 W.
 Union: T. 91 N., R. 48 W.; T. 91 N., R. 49 W.; T. 91 N., R. 50 W.

(q) Texas.

Entire counties

Castro. Deaf Smith.
 Cochran.

Individual Local Producing Areas

County and areas

Farmer: Harrah.

(r) Utah.

Entire counties

Cache. Millard.
 Carbon. Salt Lake.

Individual Local Producing Areas

County and areas

Seyler: B.
 Weber: C. E.

(s) Washington.

Individual Local Producing Areas

County and areas

Yakima: T. 10 N., R. 23 E.

(t) Wyoming.

Entire counties

Park. Goshen.
 Converse.

Individual Local Producing Areas

County and areas

Platte: T. 25 N., R. 68 W.; T. 24 N., R. 68 W.
 Big Horn: T. 49 N., R. 92 W.
 Washakie: T. 48 N., R. 92 W.

Statement of bases and considerations. One of the conditions of eligibility of a sugarbeet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarbeet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1963 crop of sugarbeets and that any sugarbeet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on March 16, 1965.

CHAS. M. COX,
 Acting Deputy Administrator,
 State and County Operations.

[F.R. Doc. 65-2834; Filed, Mar. 18, 1965; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 6 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Licensing Standards and Procedures

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, and 2654, by amending §§ 107.102, 107.103, 107.104, 107.201, 107.202 and 107.203, and deleting §§ 107.105, 107.106, 107.107, and 107.204.

Information and effective date. On February 24, 1965, notice of proposed rule making was published in the FEDERAL

REGISTER (30 F.R. 2405) concerning the revision of those sections of the SBIC Regulation appertaining to the standards, procedures and other requirements governing the issuance of licenses.

After due and careful consideration of the comments received, the Administration has determined to adopt the formal amendments, set forth below, as being in furtherance of the best interest of the SBIC program.

The present revision, as finalized in the formal amendment published herewith, adopts the text of the proposals published on February 24, 1965, except for the following change:

The final sentence of § 107.102(d) (9) has been clarified to read: "If the total amount of Licensee's paid-in capital and paid-in surplus (including for this purpose subordinated debentures issued to SBA under § 107.301) is less than the sum of \$600,000 at the time the license is issued, such paid-in capital and paid-in surplus shall be increased to at least \$600,000 during the first 2 years of operation by the issuance of an additional amount of subordinated debentures, or otherwise."

In view of the Administrator's determination that it is necessary in the public interest that the revised provisions of the SBIC Regulation governing the issuance of licenses (new §§ 107.102, 107.103, 107.104, 107.201, 107.202, and 107.203, coupled with deletion of former §§ 107.105, 107.106, 107.107, 107.204) shall be promptly applied to the program authorized by the Small Business Investment Act of 1958, the present amendment shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting §§ 107.102 and 107.103 in their entirety and substituting a new § 107.102, which will read as follows:

§ 107.102 Filing and processing of proposal.

(a) **Forms.** A Proposal shall be submitted on SBA Form No. 414 to SBID through the appropriate Area Office of SBA, as more fully set forth in the instructions accompanying said Form.

(b) **Matters covered.** In addition to those matters required by SBA Form No. 414, the Proposal shall include such further matters as SBA may require by regulation or otherwise or the Proposers may submit as part of the Proposal.

(c) **Proposal number.** Immediately upon receipt by SBID of each Proposal, SBID shall register, assign an identification number thereto, and acknowledge receipt of the same.

(d) **Standards for licensing.** The Proposal shall be accompanied by supporting data of sufficient scope, particularity and relevance to establish that it meets the following criteria for the issuance of new licenses by SBA:

(1) **Management.** (i) Satisfactory provision must be made for a full-time, responsible officer to be in charge of the Licensee's operations. Such officer (a) shall be compensated at prevailing levels for comparable employment or, if not so compensated, it must be demonstrated

that he will devote full time to the operation of the Licensee for a period of at least 2 years from date of licensing, and (b) shall have had at least 5 years' experience in a position of responsibility involving the financing of business concerns; for example, in a commercial bank, investment banking firm, or commercial finance company, or comparable experience and background acceptable to SBA. If the Proposed Operator plans to specialize in a particular industry, such officer must, in addition, have had substantial experience with that industry.

(ii) If the Proposed Operator is to be managed by other than a natural person, comparable data must be submitted and a proper showing made with respect to the management fee charged by, and the experience of personnel employed by such management concern.

(iii) A common general manager approved by SBA under § 107.703(a) (2) shall be deemed to meet the criteria of this subparagraph (1).

(2) **Board, Officers and Major Shareholders.** The business background and financial records of officers, directors, and shareholders owning 10 or more percent of the stock of the proposed Licensee must be acceptable to SBA.

(3) **Independent Board Members.** The Board of Directors shall consist of at least 5 members, 40 or more percent of whom shall be independent members not concurrently affiliated in some other capacity (e.g., as employee, officer, investment adviser, attorney, etc.), directly or indirectly, with the Proposed Operator or with any of the Licensee's officers, directors, employees, or owners of 10 percent or more of its voting securities; nor shall independent Board members include close relatives (as defined in § 107.716(b)(5)) of any such person.

(4) **Diversity of ownership.** At least 3 stockholders, who are not close relatives of each other, as defined in § 107.716(b)(5), shall each own 10 or more percent of the Proposed Operator's stock: *Provided, however,* That this requirement will not apply if the existence of reasonable diversity of ownership is demonstrated in other ways, or the Proposed Operator is a subsidiary of a commercial bank, or other corporation having diversity of ownership to an extent acceptable to SBA.

(5) **Office.** Adequate provision must be made for the maintenance of a reasonably accessible office, which will display the name of the Licensee and be open to the public during regular business hours. The office must be adequately staffed so that persons wishing to communicate or enter into negotiations with the Licensee will be able to do so in the temporary absence of the officer responsible for operations.

(6) **Need for licensee.** A satisfactory showing must be made demonstrating a bona fide need for Proposed Operator's services in the Operating Area. If there is a concentration of Licensees in such Area, such showing must include the submission of relevant data as to the existence of types of local business or industry to which SBIC financing can be provided on a profitable basis.

(7) **Real estate.** Adequate provision must be made assuring that the Proposed Operator will not place more than one-third of its portfolio in real estate investments (i.e., in small business concerns classified in Major Group 65 of the Standard Industrial Classification, as amended, issued by the Bureau of the Budget).

(8) **Conflict-of-interest transactions.** Adequate provision must be made verifying that debt or equity financing of affiliates or other transactions of a type that would be subject to the provisions of § 107.716 relating to conflicts of interest, are not contemplated by the Proposed Operator in the normal course of its operations.

(9) **Operations and capital.** (i) A projection of income and expense by calendar quarters must be furnished for the first 2 years of operation, indicating that the Proposed Operator will be able adequately to support its projected operating expenses. Where the officer responsible for operations is to be compensated at prevailing salary levels, SBA will presumptively regard \$300,000 of paid-in capital and paid-in surplus from private sources as the minimum capitalization required for such purpose. This presumption may be rebutted by the presentation of appropriate evidence establishing to SBA's satisfaction the existence of special circumstances which would justify its approval of a lower capitalization. If the total amount of Licensee's paid-in capital and paid-in surplus (including for this purpose subordinated debentures issued to SBA under § 107.301) is less than the sum of \$600,000 at the time the license is issued, such paid-in capital and paid-in surplus shall be increased to at least \$600,000 during the first 2 years of operation by the issuance of an additional amount of subordinated debentures, or otherwise.

(ii) Proposed capitalization shall include authorized capital stock in excess of the amount proposed for immediate issuance, so that stock will be available for portfolio small business concerns which elect to exercise the option provided for in § 107.507 pursuant to the Act.

(10) **Borrowed funds.** The Proposed Operator must certify in writing that none of the original shareholders that will own 10 or more percent of its stock will use borrowed funds in purchasing said stock, unless such shareholder's net worth is equal to at least twice the amount borrowed. SBA may require the submission of balance sheets from shareholders so using borrowed funds.

(e) **Investigation of proponents.** Submission of a Proposal shall constitute authority to SBA to proceed with consideration thereof and to conduct, without liability on the part of SBA or anyone acting on its behalf, any investigation or inquiry deemed necessary in its discretion concerning any matter, person, or entity referred to in the Proposal.

(f) **Opinion of counsel.** (1) *Substance of opinion.* Counsel for the Proponents or the Proposed Operator shall submit as part of the Proposal an opinion that the Proposed Operator is or can be chartered under State Law to conduct

(in the territory in which its operations are to be carried on) only the activities described under Title III of the Act, in accordance with and subject to the provisions and purpose of the Act and SBA regulations prescribed thereunder.

(2) **Operating area beyond State of incorporation.** In the event that the Operating Area is to include any region or regions beyond the jurisdiction of the State of incorporation, counsel for the Proponents or the Proposed Operator shall also submit as part of the Proposal an opinion that the Proposed Operator can, consistent with the provisions of its charter, the Act, and SBA regulations thereunder, obtain the issuance of all necessary permits, franchises or other legal authority from such other State or States as may be required to effectuate said purpose.

(3) **Ineligible attorney.** The opinion required by subparagraphs (1) or (2) of this paragraph shall not be rendered by an attorney who is to be an officer, director, or shareholder owning 10 or more percent of the stock of the Proposed Operator, or by a law partner or law firm with which such attorney is associated.

(g) **Notice to proceed or notice of insufficiency.** After due consideration of a Proposal, SBA shall notify the Proponents either:

(1) That they may proceed with all action necessary to qualify and enable the Proposed Operator to execute and submit a License Application. Such action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice, unless such period is extended by SBA; or

(2) That such Proposal is insufficient.

(i) If SBA determines that the sufficiency of such Proposal cannot be established through further information or action, it shall declare the matter closed and so notify the Proponents.

(ii) If SBA determines that the sufficiency of such Proposal may be established through further information or action, it shall simultaneously with transmission of notice to that effect to the Proponents, allot a period of time within which they may endeavor to establish its sufficiency and resubmit said Proposal.

(iii) A resubmitted Proposal which is again determined by SBA to be insufficient, or a rejected Proposal not resubmitted within the allotted period, shall be declared permanently closed and the Proponents so notified by SBA.

2. By deleting § 107.104 in its entirety and substituting therefor a new § 107.103, which will read as follows:

§ 107.103 Charter requirements.

The charter of a Licensee shall constitute a grant by a State, in the form of a permit or certificate of incorporation, or amendment, or otherwise, evidencing and attesting to its existence or continued existence as a corporate entity. The powers and authority of a Licensee may be granted and expressed in any manner consistent with the corporation laws of such State and the requirements of appropriate State officials charged with administrative responsibilities in

connection therewith, but each such charter must in any event contain the following provision:

This corporation is organized and chartered solely for the purpose of operating under the Small Business Investment Act of 1958, as amended, and will operate in the manner and shall have the powers, responsibilities, and be subject to the limitations provided by said Act and the regulations issued by the Small Business Administration thereunder.

3. By deleting §§ 107.105, 107.106 and 107.107 and substituting therefor a new § 107.104, which will read as follows:

§ 107.104 Post-licensing operations beyond State of incorporation.

In the event that a Licensee desires, after the issuance of its License, to conduct operations beyond the jurisdiction of its State of incorporation to an extent requiring registration or other compliance with the laws of other States involved, it must apply for prior SBA approval of the proposed change in Operating Area as a post-licensing amendment under § 107.704(d). After receiving such approval, it shall be incumbent upon the Licensee to obtain, consistent with the provisions of its charter, the Act and SBA regulations thereunder, the issuance of all necessary permits, franchises or other legal authority from such other State or States in order to effectuate said purpose.

4. By deleting §§ 107.201, 107.202, and 107.204 and substituting therefor a new § 107.201, which will read as follows:

§ 107.201 License application.

(a) *Application.* The Proposed Operator may submit a License Application on SBA Form No. 415 only after issuance by SBA of the notice referred to in § 107.102(g)(1). The Application shall, within 90 days after the issuance of said notice, be prepared and submitted in accordance with instructions therein contained or otherwise issued by SBA.

(b) *Prerequisites.* Prior to the issuance of a License, the Proposed Operator shall have:

(1) Executed and submitted a License Application, including such additional information, statements and representations as may otherwise be required by SBA;

(2) Received a corporate charter or franchise under State law to operate as a Licensee;

(3) Submitted satisfactory evidence that, exclusive of funds required for organizational expenses, it has paid-in capital and paid-in surplus equal to at least \$300,000 in cash or funds invested in accordance with the last sentence of section 308(b) of the Act or § 107.710: *Provided, however,* That any SBA commitment to purchase subordinated debentures under § 107.301(b) may, for the purposes of this section, be considered as part of such paid-in capital and paid-in surplus; and

(4) Tendered a License fee of \$100 to SBA simultaneously with the filing of the License Application.

5. By deleting § 107.203 and substituting therefor new §§ 107.202 and 107.203, which will read as follows:

§ 107.202 Authority to operate.

Only upon issuance by SBA of a License to the Proposed Operator, shall such corporation be authorized to operate under the Act.

§ 107.203 Transferability of license.

A License is not transferable in any manner except under circumstances expressly approved in writing by SBA.

By direction of Eugene P. Foley, Administrator, Small Business Administration.

Dated: March 12, 1965.

ROSS D. DAVIS,
Executive Administrator,
Small Business Administration.

[F.R. Doc. 65-2794; Filed, Mar. 18, 1965;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6161; Amdts. 1-8; 43-1; 65-4;
91-15; 121-3]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Miscellaneous Amendments

The purpose of this amendment is to add certain clarifying amendments to the recently recodified Federal Aviation Regulations. After the promulgation of Parts 1, 43, 65, 91, and 121 certain questions arose as to the meaning of the recodified language of the sections concerned. These amendments are issued to make it clear that no substantive changes were intended in the pertinent sections. So far as the Agency is aware, this amendment clears up all existing problems of this nature. However, if further clarifications of this type are necessary to preserve the substance of the former rules, the Agency will issue additional spot amendments as necessary.

The definition of the term "commercial operator" added to Part 1 in conjunction with the issuance of Part 121 is amended to make it clear that any "carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375" (of Title 14 of the U.S. Code) when performed "for compensation or hire" is a "commercial

operation". The definition as issued, by combining the definition of "commercial operator" formerly contained in CAR 42 together with the note to § 42.1(a)(4) could be interpreted to exclude an operation for which a fee is charged if it is incidental to a persons other business and not "a major enterprise for profit". The amended definition avoids the possibility of such an interpretation.

Section 121.1(a)(5) is amended to clarify the applicability of Part 121 to a commercial operator. The language added is to make it clear that Part 121 does not apply to operations by a commercial operator such as ferry and training flights, that are conducted under Part 91. Paragraph (d) of § 121.1 is deleted since it is surplusage in view of the amended definition of "commercial operator" accomplished in this amendment.

Section 43.9 is amended to delete "preventive maintenance" from the record-keeping requirements thereof since CAR §§ 18.20 and 18.21, upon which § 43.9 is based, did not include "preventive maintenance".

Sections 65.95(a)(1) and 91.161(b) are amended to make certain cross references consistent with the recodified regulations.

Section 91.27(a) is amended to avoid any implication that a civil aircraft may be operated without a valid airworthiness certificate. The possibility of such a misinterpretation existed under CAR § 43.10(a) as well as under § 91.27(a) as presently written.

A new § 91.49 is being added to Part 91 to make it clear that the requirement for an aural speed warning device contained in § 25.1303 and covered by SR 450A is a continuing operating requirement for all operations in air commerce with a transport category airplane. The preamble to the miscellaneous amendments issued in conjunction with the issue of Part 121 (29 F.R. 19096) stated that it was not necessary to recodify SR 450A. This conclusion was based on the belief that since the SR required that all transport category airplanes be equipped with the aural speed warning device by a date before April 1, 1965, there would be no need for a continuing operating rule. However, the Agency now believes that a continuing requirement is necessary since it is possible that a transport category airplane, type certificated before the aural speed warning device was required, could at some future date be used in air commerce though it is not now being so used (for example, an airplane now being used in a foreign country that is sold to a person who is subject to the FAR's).

Section 91.87(g) is amended to make it clear that a pilot's determination to use a runway for landing other than the preferential runway assigned by ATC must be based on a determination by the pilot that the use of another runway is "in the interest of safety". As amended the section is consistent with former CAR § 60.18(b) upon which § 91.87(g) is based.

Section 91.103 is amended to make it clear that any person operating a civil aircraft of Cuban registry within the

United States must, in addition to operating in controlled airspace, also obtain an "air traffic clearance" regardless of whether the flight is IFR or VFR and must comply with ATC instruction. As so amended, this section is consistent with SR 456, upon which it is based.

Section 91.117 is amended by adding an "or" between subparagraphs (1) and (2) of paragraph (h) to make it clear that a person need not meet the requirements of both subparagraphs in order to operate more than 50 feet below the minimum altitude. In this connection, it should be noted that when a pilot is operating under the conditions of either subparagraph he must execute a missed approach procedure whenever he cannot maintain visual reference to the ground or ground lights.

Paragraphs (e) and (f) of § 121.3 are amended so that the wording of these paragraphs, applicable to supplemental air carriers and commercial operators, is consistent with the wording of other paragraphs in § 121.3 that apply to domestic and flag air carriers.

Sections 121.93(a)(1) and 121.653(d) are amended to correct typographical errors.

A new paragraph (d) is added to § 121.289 to contain the substance of paragraph § 121.289(d) as set forth in the notice of proposed rule making for Part 121. While this paragraph is to a certain extent obsolete the Agency has decided that it should be added to make it clear that any extensions granted before February 1, 1965, continue in effect after the effective date of Part 121 and therefore, there would be no violation of the section until the extension expires.

The amendment to § 121.321 is made to ensure that only "type certification" and no other kind of certification is intended to be referred to therein, thus avoiding a possibility of confusion that exists under the present CAR sections and the section as recodified.

Section 121.365(b) is amended to make it clear that the inspections referred to throughout the subpart as "required inspections" are those set forth in the manual pursuant to § 121.369(b)(2) or (3).

The references to "supplemental" air carrier and "commercial operator" contained in the parentheses in § 121.425(d) are deleted to correct an inadvertent error since the section by its own terms applies only to domestic and flag air carriers.

The definitions of "month" and "year" contained in CAR Parts 40, 41, and 42 stated that as used in those parts they meant "calendar month" or "calendar year", respectively. The Agency decided not to include definitions of "month" or "year" in the recodified regulations and therefore the word "calendar" is being inserted before the words "month" and "year", where used throughout the "Training Program", "Flight Crewmember Qualifications", and "Flight Time Limitations" subparts of Part 121.

Section 121.597(b) is amended to make it clear that a flight release may be prepared by either the pilot in command or the person authorized to exercise opera-

tional control over the flight. As amended the section is consistent with former CAR § 42.381(a) upon which § 121.597(b) is based.

Since this amendment is clarifying in nature, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days notice.

In consideration of the foregoing Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective April 1, 1965.

(Secs. 306, 307, 313(a), 601 through 610, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1347, 1348, 1354(a), 1421 through 1430, and 1522))

Issued in Washington, D.C., on March 16, 1965.

N. E. HALABY,
Administrator.

§ 1.1 [Amended]

1. The definition of "commercial operator" in § 1.1 is amended to read as follows:

"Commercial operator" means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this Title. Where it is doubtful that an operation is for "compensation or hire", the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

§ 43.9 [Amended]

2. By amending § 43.9 as follows:

a. By striking the command the words "preventive maintenance" after the word "maintenance" in the heading of § 43.9 and in the first sentence of paragraph (b).

b. By striking the words "alters or performs preventive maintenance on" in paragraph (a) and by inserting the words "or alters" in place thereof.

c. By striking the words "or to certificated pilots performing preventive maintenance under § 43.3(h)" after the words "Part 91" and before the period in paragraph (c).

§ 65.95 [Amended]

3. The parenthetical language in § 65.95(a)(1) is amended to read as follows: "(except any aircraft maintained in accordance with a continuous airworthiness program under Part 121 or 127 of this chapter)."

4. Part 91 is amended as follows:

a. By amending § 91.27(a) to read as follows:

§ 91.27 Civil aircraft certificates required.

(a) No person may operate a civil aircraft unless it has within it—

(1) An appropriate and current airworthiness certificate (including a special flight permit or an authorization under § 91.45); and

(2) A registration certificate issued to its owner.

b. By adding a new § 91.49 reading as follows:

§ 91.49 Aural speed warning device.

No person may operate a transport category airplane in air commerce unless that airplane is equipped with an aural speed warning device that complies with § 25.1303 (a)(11) and (b).

§ 91.87 [Amended]

c. By amending the second sentence of § 91.87(g) by inserting the words "in the interest of safety" after the word "determines".

d. By amending § 91.103 to read as follows:

§ 91.103 Operation of civil aircraft of Cuban registry.

No person may operate a civil aircraft of Cuban registry except in controlled airspace and in accordance with air traffic clearances or air traffic control instructions that may require use of specific airways or routes and landings at specific airports.

§ 91.117 [Amended]

e. By inserting the word "or" after the semicolon at the end of § 91.117(h)(1).

f. By amending § 91.161(b) to read as follows:

§ 91.161 Applicability.

(b) Sections 91.165, 91.169, 91.171, and 91.173 of this subpart do not apply to an aircraft maintained in accordance with a continuous airworthiness program under Part 121 or 127 of this chapter.

5. Part 121 is amended as follows:

§ 121.1 [Amended]

a. By inserting the words "when it engages in the carriage of persons or property in air commerce for compensation or hire with large aircraft" before the period at the end of § 121.1(a)(5).

b. By striking paragraph (d) of § 121.1.

§ 121.3 [Amended]

c. By inserting the word "operating" after the word "carrier" in § 121.3(e) and after the word "operator" in § 121.3(f).

§ 121.93 [Amended]

d. By striking the word "satisfactory" in § 121.93(a)(1) and inserting the word "satisfactorily" in place thereof.

e. By adding the following new paragraph at the end of § 121.289:

§ 121.289 Landing gear; aural warning device.

(d) A certificate holder who, before February 1, 1965, applied for and received an extension beyond the date set forth in paragraph (a) of this section may, until that extension date, operate large landplanes without complying with this section.

§ 121.321 [Amended]

f. By adding the word "type" after the word "was" in § 121.321.

§ 121.365 [Amended]

g. By adding the words "in accordance with § 121.369(b) (2) or (3)" after the word "manual" in § 121.365(b).

§ 121.425 [Amended]

h. By striking the words "or supplemental air carrier or commercial operator" in the parentheses in § 121.425(d) and inserting the words "air carrier" in place thereof.

i. By inserting the word "calendar" before the word "month" wherever the word "month" is used throughout Subparts N, O, P, Q, R, and S and by inserting the word "calendar" before the word "year" in § 121.471(a) (1).

§ 121.597 [Amended]

j. By inserting the words "or the person authorized by the operator to exercise operational control over the flight" after the word "command" in § 121.597(b).

§ 121.653 [Amended]

k. By striking the word "or" after the word "part" in the first sentence of § 121.653(d).

[F.R. Doc. 65-2882; Filed, Mar. 18, 1965; 8:48 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 64-SO-72]

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

Revocation of Control Area Extension, Alteration of Control Zone, and Designation of Transition Area

On January 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 887) stating that the Federal Aviation Agency proposed to revoke the control area extension, alter the control zone and designate a transition area at Columbus, Miss.

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

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

1. In § 71.165 (29 F.R. 17557) the Columbus, Miss., control area extension is revoked.

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

COLUMBUS, MISS.

Within a 5-mile radius of Columbus AFB (latitude 33°39'38" N., longitude 88°26'39" W.); within 2 miles each side of the Columbus AFB localizer NW course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Caledonia VOR 143° radial extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles each side of the Caledonia VOR 311° radial extending from the 5-mile radius zone to 12 miles NW of the VOR; within 2 miles each side of the runway 13 centerline extending from the 5-mile radius zone to 5.5 miles SE of the departure end of the runway; within 2 miles each side of the Columbus VORTAC

020° radial extending from the 5-mile radius zone to the VORTAC.

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

COLUMBUS, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Columbus AFB (latitude 33°39'38" N., longitude 88°26'39" W.); within a 5-mile radius of the Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.) clockwise between a 357° and 297° bearing from the airport and within a 7-mile radius of the Columbus-Lowndes County Airport clockwise between a 297° and a 357° bearing from the airport; within 2 miles each side of the Columbus VORTAC 101° radial extending from the 5-mile radius area to the VORTAC; within 2 miles each side of a 180° bearing from the Columbus-Lowndes County Airport extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Columbus AFB excluding that portion which coincides with the Tupelo, Miss., transition area; including that airspace SE of the 40-mile radius area bounded on the NE by V-278S, on the E by a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR, on the SE by V-18, and on the W by longitude 88°00'00" W.; including that airspace N of the 40-mile radius area, bounded on the W by the Tupelo, Miss., transition area, on the N by V-176 and on the E by longitude 87°55'00" W.; and that airspace extending upward from 5,000 feet above mean sea level within 5 miles each side of the Caledonia VOR 310° radial extending from the 40-mile radius area to longitude 89°20'00" W., excluding that portion which coincides with the Tupelo, Miss., transition area; and that airspace extending upward from 10,000 feet above mean sea level SW of the 40-mile radius area bounded on the N by V-278, on the W by longitude 89°17'00" W., on the S by latitude 33°03'00" N., and on the SE by a line extending from latitude 33°03'00" N., longitude 88°57'40" W. to the intersection of longitude 88°47'00" W. and the 40-mile radius arc centered on Columbus AFB.

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,

Acting Director, Southern Region.

[F.R. Doc. 65-2797; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-73]

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

Revocation of Control Area Extension, Alteration of Control Zones, Redesignation of Transition Area, and Designation of Transition Area

On January 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 888) stating that the Federal Aviation Agency proposed to revoke the Meridian, Miss., control area extension, alter the control zones for Key Field and NAAS Meridian, redesignate the Meridian transition area and designate a transition area for NAAS Meridian.

Interested persons were afforded an opportunity to participate in the rule

making through submission of comments. All comments received were favorable.

In the notice an extension to the Meridian control zone was proposed two miles each side of the Meridian VORTAC 310° radial extending from the five-mile radius zone to 5.5 miles northwest of the airport. Subsequent to the publication of the notice, it was determined that the magnetic variation was incorrectly applied and this extension should have been described as being on the Meridian VORTAC 314° radial. Action is taken herein to correct this discrepancy.

Since this correction is minor in nature and imposes no additional burden on any person, 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.

1. In § 71.165 (29 F.R. 17557) the Meridian, Miss., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

MERIDIAN, MISS. (KEY FIELD)

Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the Meridian ILS localizer S course extending from the 5-mile radius zone to the Meridian RBN; within 2 miles each side of the Meridian VORTAC 155° radial extending from the 5-mile radius zone to 15.5 miles SE of the VORTAC; within 2 miles each side of the Meridian VORTAC 314° radial extending from the 5-mile radius zone to 5.5 miles NW of the airport.

MERIDIAN, MISS. (NAAS MERIDIAN)

Within a 5-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.); within 2 miles each side of Navy McCain TACAN 360° radial extending from the 5-mile radius zone to 7 miles N of the TACAN; within 2 miles each side of the Navy McCain TACAN 069° radial extending from the 5-mile radius zone to 7 miles E of the TACAN; within 2 miles each side of Runway 18L centerline extending from the 5-mile radius zone to 6 miles N of the airport; within 2 miles each side of Runway 27 centerline extending from the 5-mile radius zone to 6 miles E of the airport; within 2 miles E and 1 mile W of Runway 36L centerline extending from the 5-mile radius zone to 6 miles S of the airport.

3. In § 71.181 (29 F.R. 17643) the Meridian, Miss., transition area (30 F.R. 434) is amended to read:

MERIDIAN, MISS. (KEY FIELD)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 8 miles E and 5 miles W of the Meridian ILS localizer S course extending from the Meridian RBN to 13 miles S of the RBN; within 8 miles E and 5 miles W of a 191° bearing from the Meridian RBN extending from the RBN to 13 miles S; within 8 miles SW and 5 miles NE of the Meridian VORTAC 314° radial extending from the VORTAC to 13 miles NW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the N edge of V-18N and a 30-mile radius arc centered on Key Field, extending NW along V-18N to longitude 89°30'00" W., thence N to latitude 32°47'00"

N., longitude 89°30'00" W., thence ESE to latitude 32°43'15" N., longitude 88°48'05" W., thence N to latitude 32°46'50" N., longitude 88°47'05" W., thence NW to latitude 33°03'00" N., longitude 88°57'40" W., thence NE to the intersection of longitude 88°47'00" W. and a 40-mile radius arc centered at Columbus, Miss., AFB (latitude 33°38'38" N., longitude 88°26'39" W.), thence E along that arc to longitude 88°00'00" W., thence S along longitude 88°00'00" W. to the SE boundary of V-209, thence SW along the SE boundary of V-209 to the N boundary of V-154, thence to latitude 32°18'00" N., longitude 88°20'00" W., thence to the intersection of the E boundary of V-209 and a 30-mile radius arc centered at Key Field, thence clockwise along that arc to the W boundary of V-194, thence SW along the W boundary of V-194 to latitude 32°07'00" N., thence to the intersection of longitude 89°28'00" N. and the S boundary of V-188, thence E along V-188 to a 30-mile radius arc centered at Key Field, thence clockwise along that arc to point of beginning.

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

MERIDIAN, MISS. (NAAS MERIDIAN)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.).

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2798; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SO-97]

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

Alteration of Control Zone and Designation of Transition Area

On February 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1052) stating that the Federal Aviation Agency proposed to alter the control zone and designate a transition area at Dyersburg, Tenn.

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

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

1. In § 71.171 (29 F.R. 17581) the Dyersburg, Tenn., control zone is amended to read:

DYERSBURG, TENN.

Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 2 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

2. Section 71.181 (29 F.R. 17643) is amended by adding the Dyersburg, Tenn., transition area as follows:

DYERSBURG, TENN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 2 miles each side of the Dyersburg VORTAC 078° radial, extending from the VORTAC to 8 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the Dyersburg VORTAC 078° and 258° radials, extending from 4 miles W of to 12 miles E of the VORTAC.

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2800; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-16]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign the segment of VOR Federal airway No. 149 from Georgetown, N.Y., to Utica, N.Y., via the intersection of the Georgetown 036° and the Utica 280° True radials (Vernon Intersection).

Traffic procedures in the Syracuse, N.Y., area are being revised to accommodate civil jet traffic at Hancock Field. The revised procedures will require a larger holding airspace area at the Lakeport, N.Y., Intersection and will overlap the Sherrill, N.Y., Intersection holding airspace area. To permit simultaneous holding at the Lakeport Intersection and at a fix east of Lakeport, the Vernon Intersection is being established. Accordingly, to permit easy access to the Vernon Intersection for traffic en route over Georgetown, the V-149 segment is proposed for realignment via the Vernon Intersection. This realignment will move the airway segment approximately three nautical miles east of its present alignment between Georgetown VOR and its intersection with the 280° True radial of the Utica VOR.

Since this amendment only involves the moving of an airway segment approximately three nautical miles over uncongested land and does not adversely affect existing air traffic operations, it is minor in nature and 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 § 71.123 (29 F.R. 17509), V-149 is amended by deleting "INT of Georgetown 029° and Utica, N.Y., 280° radials;" and substituting "INT of Georgetown 036° and Utica, N.Y., 280° radials;" therefor.

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

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

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

[F.R. Doc. 65-2801; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-45]

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

Revocation of Transition Area and Control Area Extension, Alteration of Control Zones, and Designation of Transition Area

On February 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1052) stating that the Federal Aviation Agency proposed to revoke the control area extension at Nashville, Tenn., and the transition area at Graham, Tenn.; alter the control zones at Nashville, Tenn., and Sewart Air Force Base, Smyrna, Tenn., and designate transition areas in the vicinity of Nashville and Shelbyville, Tenn.

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

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

1. In § 71.165 (29 F.R. 17557) the Nashville, Tenn., control area extension is revoked.

2. In § 71.181 (29 F.R. 17643) the Graham, Tenn., transition area is revoked.

3. In § 71.171 (29 F.R. 17581) the Nashville and Smyrna, Tenn., control zones are amended to read:

NASHVILLE, TENN.

Within a 5-mile radius of the Nashville Metropolitan Airport (latitude 36°07'36" N., longitude 86°40'58" W.); within 2 miles each side of the Nashville ILS localizer 8 course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Nashville VORTAC 315° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the Nashville ILS localizer N course, extending from the 5-mile radius zone to 8 miles N of the Nashville VORTAC 333° radial; excluding that airspace W of a line 2 miles W of and parallel to the Nashville ILS localizer N course within a 1-mile radius of the Cornelia Port Airport (latitude 36°11'28" N., longitude 86°41'53" W.).

SMYRNA, TENN.

Within a 5-mile radius of the Sewart Air Force Base (latitude 36°00'27" N., longitude 86°31'21" W.).

4. Section 71.181 (29 F.R. 17643) is amended by adding the Nashville and Shelbyville, Tenn., transition areas as follows:

NASHVILLE, TENN.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Nashville Metropolitan Airport

(latitude 36°07'36" N., longitude 86°40'58" W.); within a 12-mile radius of the Sewart Air Force Base (latitude 36°00'27" N., longitude 86°31'21" W.); within 5 miles W and 8 miles E of the Nashville ILS S course, extending from the 11-mile radius area to 12 miles S of the LOM; within 5 miles W and 8 miles E of the Nashville ILS N course, extending from the 11-mile radius area to 12 miles N of the Nashville VORTAC 393° radial; within 5 miles SW and 8 miles NE of the Sewart AFB ILS SE course, extending from the 12-mile radius area to 12 miles SE of the Sewart RBN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the W boundary of V-7 and the arc of a 36-mile circle centered at the Nashville Metropolitan Airport, thence clockwise along this arc to the W boundary of V-243, thence SE along the W boundary of V-243 to the arc of a 43-mile circle centered at Sewart Air Force Base, thence clockwise along this arc to longitude 86°20'00" W., thence S to the intersection of a line 5 miles N of and parallel to the Muscle Shoals (Alabama) VOR 066° radial and the arc of a 31-mile circle centered at latitude 34°46'30" N., longitude 86°36'30" W., thence counter-clockwise along this arc to the E boundary of V-7E, thence NW along the E boundary of V-7E to the S boundary of V-16, thence NE along the S boundary of V-16 to the arc of a 30-mile circle centered at the Nashville Metropolitan Airport, thence clockwise along this arc to the NW boundary of V-57, thence NE along the NW boundary of V-57 and NW along the W boundary of V-7 to the point of beginning.

SHELBYVILLE, TENN.

That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 093° and 273° bearings from Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.), extending from 12 miles W to 5 miles E of the airport.

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2803; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-21]

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 Omaha, Nebr. (Offutt AFB), control zone.

The United States Air Force has advised the Federal Aviation Agency that it intends to decommission the Weeping Water, Nebr., radio beacon on April 1, 1965. Presently the Omaha, Nebr. (Offutt AFB), control zone contains an extension which is based on this radio beacon. There is no longer any requirement for this extension. Also, the coordinates of the Offutt AFB as they appear in the description of the control zone in § 71.171 of the Federal Aviation Regulations (29 F.R. 17623) are incorrect. Therefore, action is taken herein to modify the Omaha, Nebr. (Offutt AFB), control zone by deletion of reference to

this extension and correction of the coordinates of the Offutt AFB.

Under the provisions of a pending notice of proposed rule making (Airspace Docket No. 64-CE-90) which was published in 30 F.R. 226 and which was subsequently corrected in 30 F.R. 589, the Omaha, Nebr. (Offutt AFB), control zone will be modified to delete the extension which is the subject of the action herein. The comment period for this notice of proposed rule making was open through February 22, 1965. If after all comments have been reviewed, it is determined that the proposed actions will be accomplished, their effective date will not be prior to May 27, 1965. This date is based on the publishing date of the appropriate aeronautical charts. Since the decommissioning of the Weeping Water, Nebr., radio beacon is planned for April 1, 1965, the action taken herein must be effective on that date.

Since this amendment has the effect of reducing airspace in the area and correcting an obvious error in description, it imposes no additional burden on any person. Therefore, 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., April 1, 1965, as hereinafter set forth:

In § 71.171 (29 F.R. 17623) the Omaha, Nebr. (Offutt AFB), control zone is amended to read as follows:

OMAHA, NEBR. (OFFUTT AFB)

Within a 5-mile radius of Offutt AFB (latitude 41°07'24" N., longitude 95°54'52" W.) and within 2 miles either side of the Omaha VORTAC 072° and 252° radials extending from the Offutt AFB 5-mile radius zone to 2 miles NE of the VORTAC.

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

Issued in Kansas City, Mo., on March 9, 1965.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 65-2799; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 63-CE-62]

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

Alteration of Transition Area and Designation of Control Zone

On January 14, 1965, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 467) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Escanaba, Mich., terminal area.

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

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

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

ESCANABA, MICH.

Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 2 miles each side of the Escanaba VOR 265° radial extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the 347° bearing from Escanaba Municipal Airport extending from the 5-mile radius zone to 10½ miles north of the airport; and within 2 miles each side of the 261° bearing from Escanaba Municipal Airport extending from the 5-mile radius zone to 8 miles west of the airport. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

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

ESCANABA, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 8 miles west and 5 miles east of the 347° bearing from Escanaba Municipal Airport extending from the airport to 14½ miles north of the airport; within 5 miles north and 8 miles south of the 261° bearing from Escanaba Municipal Airport extending from the airport to 12 miles west of the airport; and within 5 miles north and 8 miles south of the Escanaba VOR 265° radial extending from the VOR to 12 miles west of the VOR.

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

Issued in Kansas City, Mo., on March 9, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-2802; Filed, Mar. 18, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

DIMETRIDAZOLE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4D1152) filed by Dr. Salsbury's Laboratories, Charles City, Iowa, and other relevant material, has concluded that § 121.258 of the food additive regulations should be amended to provide the conditions under which dimetridazole (1,2-dimethyl-5-nitroimidazole) may be safely used in turkey feed. 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), § 121.258 is amended

by adding to paragraph (c) a new table 2 and by adding to the section a new paragraph (e), as follows:

§ 121.258 Dimetridazole.

(c) * * *

TABLE 2—DIMETRIZAZOLE IN COMPLETE TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Dimetridazole	136-182 (0.015-0.02%)			For turkeys; withdraw 5 days before slaughter; as sole source of dimetridazole; eggs not to be used for food purposes.	Prevention of blackhead (histomoniasis, infectious enterohepatitis).
2. Dimetridazole	544-725 (0.06-0.08%)			do	As an aid in the control of blackhead (histomoniasis, infectious enterohepatitis).

(e) Section 121.1167 establishes the limitations for residues of the additive in food for human consumption.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner has further concluded that a tolerance limitation is required in order to assure that the use of the food additive dimetridazole in accordance with § 121.258 will not cause the edible eggs of turkeys to be unsafe. Therefore, § 121.1167 is amended by inserting the word "eggs" and, as amended, reads as follows:

§ 121.1167 Dimetridazole.

A tolerance of zero is established for residues of dimetridazole in the uncooked edible tissues, byproducts, and eggs of turkeys.

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), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: March 12, 1965.

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

[F.R. Doc. 65-2836; Filed, Mar. 18, 1965;
8:48 a.m.]

SUBCHAPTER C—DRUGS

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

Sodium Oxacillin; Sodium Oxacillin Tablets

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), the regulations for the certification of penicillin and penicillin-containing drugs are amended in the following respects:

1. Section 146a.12 is amended to provide new expiration dates of 36 months or 48 months, under specified conditions, for sodium oxacillin. The amendment is effected by changing paragraph (c)(3) to read as follows:

§ 146a.12 Sodium oxacillin.

(c) * * *

(3) The statement "Expiration date _____" the blank being filled in with the date that is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 36 months or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standard prescribed by paragraph (a) of this section.

2. Section 146a.13 is amended to provide new expiration dates of 36 months or 48 months for sodium oxacillin tablets and to exempt the manufacturer from the requirement of submitting samples for moisture testing, subject to specified conditions. The amendments are effected by changing paragraphs (c)(1) and (d)(2)(i)(a) and (3)(i)(a)(2) to read as follows:

§ 146a.13 Sodium oxacillin tablets.

(c) * * *

(1) The statement "Expiration date _____" the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18, 24, 36, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(d) * * *

(2) * * *

(1) * * *

(a) If the person who requests certification is the manufacturer of the batch: Average potency, average moisture, and, if required by paragraph (a) of this section, disintegration time of tablets collected during the time of tableting the batch; and, unless the tablets are packaged into dispensing-size containers immediately after they are compressed or the manufacturer has submitted to the Commissioner, and it has been accepted, information adequate to prove that such tests are not necessary, average moisture of tablets collected during each day of packaging the batch.

(3) * * *

(1) * * *

(a) * * *

(2) If, after tableting, such person packages the batch into dispensing-size containers: 20 tablets collected at equal intervals during each day the tablets are being packaged, except that this sample is not required if the tablets are packaged immediately after they are compressed or if the manufacturer has been exempted by the Commissioner from such requirement; or

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the amendments are such that they cannot be applied to any specific product unless its manufacturer has supplied adequate data regarding that article.

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

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

Dated: March 12, 1965.

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

[F.R. Doc. 65-2837; Filed, Mar. 18, 1965;
8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1470—INFORMATION REQUIRED OF CONTRACTORS

Miscellaneous Amendments

This part is amended as follows:

§ 1470.3 [Amended]

1. Section 1470.3 *Filing of financial statement* is amended in the following respects:

a. The first sentence of paragraph (c) *Sufficiency of contents* is deleted in its entirety and the following is inserted in lieu thereof: "The Standard Form of Contractor's Report is required to be completed in accordance with the instructions therefor."

b. Paragraph (c) is further amended by adding at the end thereof the following: "The Statement of Non-Applicability when it is to be filed, should be completed in accordance with the instructions therefor."

c. Paragraph (e) *Filing rules* is amended by deleting "§ 1472.5" and inserting in lieu thereof "§ 1472.6".

2. A center heading reading "Forms and Instructions" is inserted immediately after § 1470.3.

3. A new § 1470.90 is added to read as follows:

§ 1470.90 *Standard Form of Contractor's Report.*

Copies of the Standard Form of Contractor's Report prescribed in § 1470.3(a) may be obtained from the Board and the Regional Boards (see §§ 1470.92 and 1472.6(d)(1) of this subchapter).

4. Section 1470.91 *Statement of Non-Applicability of the Renegotiation Act of 1951, as amended*, is deleted in its entirety and the following is inserted in lieu thereof:

§ 1470.91 *Statement of Non-Applicability of the Renegotiation Act of 1951, as amended.*

Copies of the Statement of Non-Applicability prescribed in § 1470.3(b) may be obtained from the Board and the Regional Boards (see §§ 1470.92 and 1472.6(d)(1) of this subchapter).

5. A new § 1470.92 is added to read as follows:

§ 1470.92 *Instructions for preparing and filing renegotiation reports.*

The Standard Form of Contractor's Report (see § 1470.90) and the Statement of Non-Applicability (see § 1470.91), together with explanatory information and instructions for preparing and filing such reports, are set forth in a booklet published by the Board, entitled "Instructions for Filing Renegotiation Reports." Such information and instructions are intended to guide and assist contractors in complying with the act; they are not a substitute for any regulations in this subchapter. Copies of the booklet may be obtained from the

Board and the Regional Boards (see § 1472.6(d)(1) of this subchapter).

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: March 16, 1965.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 65-2825, Filed, Mar. 18, 1965; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In § 8.0, paragraphs (b) (4), (d) and (e) are added to read as follows:

§ 8.0 Eligibility.

(b) *Applications for insurance under section 722(a) of title 38, United States Code.*

(4) The term "service-connected disability (or disabilities) for which compensation is or would be payable, if 10 per centum or more in degree" as used in this paragraph includes all disabilities which are rated service-connected by the Veterans Administration except for dental ratings which are made for dental treatment only and ratings made under the provisions of 38 U.S.C. 602.

(d) *Applications for insurance under section 725 of title 38, United States Code.* (1) Effective May 1, 1965, any person (other than a person referred to in subparagraphs (5) and (6) of this paragraph) heretofore eligible to apply for National Service Life Insurance after October 7, 1940, and before January 1, 1957, who is found by evidence satisfactory to the Administrator to be suffering

(i) from a service-connected disability (or disabilities) for which compensation is or would be payable, if 10 per centum or more in degree (paragraph (b) (4) of this section), and except for which such person would be insurable according to the standards of good health established by the Administrator; or (ii) from a non-service-connected disability, or a combination of service-connected and non-service-connected disabilities which (a) renders such person uninsurable according to the standards of good health established by the Administrator, and (b) such person establishes to the satisfaction of the Administrator that he is unable to obtain commercial life insurance because of such uninsurability at substandard rates, and (c) such uninsurability existed as of October 13, 1964, shall upon meeting the criteria and conditions hereinafter stated in this paragraph be granted National Service Life Insurance.

(2) (i) If the applicant, notwithstanding his service-connected disability, is insurable according to the standards of good health established by the Adminis-

trator (§ 8.1), he shall be granted National Service Life Insurance as provided in § 8.112a (a) and (e).

(ii) If the applicant's service-connected disability or disabilities render him uninsurable and he is otherwise in good health, according to the standards of good health established by the Administrator (§ 8.1), he shall be granted insurance as provided in § 8.112a (b) and (e).

(iii) If the applicant has a non-service-connected disability, or a service-connected disability which combined with a non-service-connected disability, renders him uninsurable according to the standards of good health established by the Administrator (§ 8.1), and such person establishes to the satisfaction of the Administrator that (a) such uninsurability existed on October 13, 1964, and (b) he is unable to obtain commercial life insurance because of such uninsurability at substandard rates, he shall be granted National Service Life Insurance as provided in § 8.112a (c) and (e) or at the applicant's election be issued the net single premium 1-year endowment policy as provided in § 8.112a (d) in lieu of insurance issued under § 8.112a (c) and (e).

(3) Insurance may be granted under this paragraph subject to the following conditions: (i) Written application signed by the applicant; (ii) payment of the initially required premiums and submission of a signed agreement to pay the correct premium or premiums for his insurance when billed; or the payment of the required net single premium required for the 1-year endowment policy which may be issued to persons referred to in subparagraph (2) (iii) of this paragraph; (iii) proof, satisfactory to the Administrator, that the applicant meets the health and other requirements provided in this paragraph; and (iv) application and tender of premiums must be mailed or otherwise delivered to the Veterans Administration before May 3, 1966.

(4) The following persons (other than a person referred to in subparagraphs (5) and (6) of this paragraph) are eligible to apply for National Service Life Insurance under this paragraph:

(i) Any person in the active service (as that term is defined in section 601(c) of the National Service Life Insurance Act, as amended) in the land or naval forces (including the Coast Guard) of the United States, on October 8, 1940, and any person who entered such service (including those selected for training and service in such forces under the Selective Training and Service Act of 1940), after October 8, 1940, and prior to April 26, 1951, under orders to active duty for a period of not less than 31 days; and any person considered or deemed to have been in such service for the purposes of the National Service Life Insurance Act, as amended, or entitled to apply for National Service Life Insurance during such period.

(ii) Any person granted indemnity protection under section 2 of the Servicemen's Indemnity Act of 1951, who was separated from active service, under other than dishonorable conditions, on or after April 25, 1951, and prior to Janu-

ary 1, 1957, who is found by the Administrator to be suffering from a service-connected disability or disabilities for which compensation is or would be payable if 10 per centum or more in degree, and except for which such person would be insurable according to the standards of good health established by the Administrator.

(iii) Any person entitled to indemnity protection under section 2 of the Servicemen's Indemnity Act of 1951, who was ordered into the active service for a period exceeding 30 days and who was separated therefrom on or after April 25, 1951, and prior to January 1, 1957.

(iv) For the purpose of subdivisions (ii) and (iii) of this subparagraph, any person granted or entitled to indemnity protection under section 2 of the Servicemen's Indemnity Act of 1951 shall be deemed to have been in the active service. Also, for such purposes, any person who reentered active service on the date of separation or the following day shall be deemed to have been in continuous active service and not to have been separated therefrom.

(5) The following persons are not eligible for insurance under this paragraph:

(i) Any person who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States.

(ii) Any person who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945.

(iii) Any person while on active duty or active duty for training under a call or order to such duty for a period of 31 days or more during the 1-year eligibility period for this insurance.

(6) Any person who forfeited his rights to National Service Life Insurance by reason of being guilty of one of the offenses specified in § 8.61 and did not thereafter establish a new period of eligibility is not eligible for insurance under this paragraph.

(7) An application for insurance under this paragraph should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application. If the applicant is mentally incompetent, the application may be made only by the guardian and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

(e) *Applications for insurance on the ordinary life plan issued under section 704(d) of title 38, United States Code.*

(1) Any insured who has a National Service Life Insurance policy on the modified life plan which is in force under premium-paying conditions on the day before

his 65th birthday may upon written application signed by the insured and payment of the required premium made to the Veterans Administration before such birthday, be granted insurance on the ordinary life plan in accordance with § 8.112b(c), without evidence of health. The ordinary life plan shall become effective on the 65th birthday of the insured and the premium rate for such insurance will be the applicable ordinary life premium for the attained age of the policyholder on that day.

(2) Any insured who has a National Service Life Insurance policy on the modified life plan which is in force by waiver of premiums under 38 U.S.C. 712 on the day before his 65th birthday (or such waiver of premiums is subsequently granted) shall automatically be granted insurance on the ordinary life plan in accordance with § 8.112b(c). The amount of insurance granted on such plan in accordance with that section shall not exceed one-half of the face amount of the modified life insurance policy in force on the day before his 65th birthday. The ordinary life plan shall become effective on the 65th birthday of the insured and the premium rate for such insurance will be the applicable ordinary life premium for the attained age of the policyholder on that day.

(3) An application for insurance under this paragraph should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this paragraph may be considered an application. If the applicant is mentally incompetent, the application may be made only by a guardian and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

2. In § 8.2, paragraph (c) is added to read as follows:

§ 8.2 Effective date.

(c) *Effective date of insurance applied for under section 725 of title 38; United States Code.* The effective date of National Service Life Insurance issued under the provisions of 38 U.S.C. 725 shall be the date the application and tender of premiums are delivered to the Veterans Administration, but not prior to May 1, 1965, nor later than May 2, 1966. If the application and tender of premiums are forwarded by mail, properly addressed to the Veterans Administration, the postmark date will be taken as the date of delivery.

3. Section 8.3 is revised to read as follows:

§ 8.3 Premium rates.

National Service Life Insurance is granted at the premium rate for the age nearest the birthday anniversary of the applicant at the time the policy becomes effective. The premium rates for National Service Life Insurance are as follows:

(a) The premium rates for participating insurance, other than policies of such insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (b) or (d), respectively, are based on the

American Experience Table of Mortality and interest at the rate of 3 per centum per annum. The premium rates for participating insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (b) or (d), respectively, are based on the 1958 Commissioners Standard Ordinary Basic Mortality Table and interest at the rate of 3 per centum per annum.

(b) The premium rates for nonparticipating insurance on which the requirements of good health have been waived under the provisions of section 602(c)(2) of the National Service Life Insurance Act, as amended, and for policies of such insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively, are based on the American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

(c) The premium rates for insurance issued under section 620 of the National Service Life Insurance Act, as amended, 38 U.S.C. 722(a), and for policies of such insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively, are based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2½ per centum per annum.

(d) The premium rates for the term insurance issued under section 621 of the National Service Life Insurance Act, as amended, are based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2½ per centum per annum. Policies of such term insurance which are converted to insurance on the modified life plan under 38 U.S.C. 704(c) and such insurance subsequently issued on the ordinary life plan under 38 U.S.C. 704(d), shall for the purposes of such provisions of law be deemed to have been issued under 38 U.S.C. 723(b) (see paragraph (e) of this section).

(e) The premium rates for permanent plan insurance or limited convertible term insurance issued under 38 U.S.C. 723(b), and for policies of such insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively, are based on table X-18 (1950-54 Intercompany Table of Mortality) and interest at the rate of 2½ per centum per annum.

(f) The premium rates for insurance issued under 38 U.S.C. 725(b) and for policies of such insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively, are based on the 1958 Commissioners Standard Ordinary Basic Mortality Table and interest at the rate of 3½ per centum per annum. Such premium rates may be adjusted at the time of issue as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Administrator determines to be so necessary but at intervals of not less than 2 years. Further, an additional premium to cover the administrative cost of such insurance (including any total disability income provision attached thereto) to the Government as determined by the Administrator at the time of issue shall be charged for such in-

insurance and provision and thereafter such cost may be adjusted as the Administrator determines to be so necessary but at intervals of not less than 5 years.

(g) The premium rates for insurance issued under 38 U.S.C. 725(c) and for policies of such insurance issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively, are based on the American Experience Table of Mortality and interest at the rate of 3½ per centum per annum. Such premium rates may be adjusted at the time of issue as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted from time to time as the Administrator determines to be necessary. Further, an additional premium to cover the administrative cost to the Government as determined by the Administrator at the time of issue of such insurance (including any total disability income provision subsequently attached thereto) shall be charged for such insurance and provision and thereafter such cost may be adjusted as the Administrator determines to be necessary but at intervals of not less than 5 years. For the purpose of establishing the initial premium rates to be charged for insurance issued under 38 U.S.C. 725(c), and for any subsequent adjustment thereof, the service-connected disabled group and the non-service-connected disabled group may be separately classified, and charged a different premium rate for the protection granted. Individuals within each of the two groups may be separately rated, depending upon the nature of their impairment and the risk involved.

4. Section 8.5 is revised to read as follows:

§ 8.5 Due date of premiums.

Premiums on National Service Life Insurance are due and payable monthly in advance in legal tender of the United States of America to the Veterans Administration in the city of Washington, District of Columbia, or any field station of the Veterans Administration authorized to accept premiums. Premiums may be paid quarterly, semiannually or annually, in advance. In any case in which premiums are paid in advance the premium payable will be the sum of the monthly premiums for the period discounted at the same interest rate as that on which the premium charges are based as set forth in § 8.3. At maturity the discounted value of the premiums paid in advance beyond the current month shall be refunded to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

5. In § 8.8, paragraph (e) is added to read as follows:

§ 8.8 Deduction of insurance premiums from compensation, retirement pay, or pension.

(e) The deduction authorized by a policyholder issued insurance under 38 U.S.C. 725 will be automatically adjusted by the Veterans Administration to take

cognizance of any premium adjustment made by the Administrator on such insurance provided the benefit payments due and payable to the insured are of an amount sufficient to pay the monthly insurance premium.

6. In § 8.22, paragraph (a) is amended, a new paragraph (c) is added, the former paragraph (c) is amended and redesignated (d), and the former paragraph (d) is redesignated (e) so that the amended, added and redesignated material reads as follows:

§ 8.22 Reinstatement of National Service Life Insurance.

(a) *Reinstatement of National Service Life Insurance except insurance reinstated pursuant to section 781 of title 38, United States Code, or section 725 of title 38, United States Code.* Subject to the National Service Life Insurance provisions of title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 8.23 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans Affairs. Interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually; *Provided*, That no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default. The payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A lapsed National Service Life Insurance Policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required. National Service Life Insurance on the level premium term plan may be reinstated by written application of the in-

sured accompanied by evidence of insurability and tender of two monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected; but such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. Application for reinstatement of level premium term insurance accompanied by evidence of insurability and tender of premiums must be submitted prior to the expiration of the 5-year term period, except as provided in § 8.85.

(c) *Reinstatement of insurance issued under 38 U.S.C. 725.* Subject to the National Service Life Insurance provisions of title 38, United States Code, and Veterans Administration regulations issued thereunder, any insurance issued under 38 U.S.C. 725 which has been lapsed for not more than 5 years, and which has not been surrendered for a cash value or for paid-up insurance may be reinstated upon written application signed by the applicant, payment of the monetary requirements hereinafter set forth in this paragraph, and submission of evidence satisfactory to the Administrator that at the time of application and tender of monetary requirements, the applicant was in the required state of health as shown by § 8.23 (a) or (b), whichever is applicable. The payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy. A policy which has been lapsed for three premium months or less may be reinstated upon meeting the health requirements as shown by § 8.23(a) and payment of all premiums in arrears. A policy which has been lapsed for more than three premium months but not more than 5 years may be reinstated upon meeting the health requirements as shown by § 8.23(b) and payment of all premiums in arrears with interest from their several due dates at the rate of 4 per centum per annum compounded annually. A lapsed policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of the required premiums and interest are made within 5 years after the date of lapse and not less than 5 years prior to the date such extended term insurance would expire. In any case in which the extended insurance under an endowment policy, which has not been lapsed for more than 5 years provides protection to the end of the endowment period, such policy may be reinstated, without health statement or other medical evidence, upon application and tender of the required premiums and interest prior to the end of the endowment period.

(d) *Effective date of reinstatements.* Reinstatement is effected when an acceptable application and the required monetary payments are delivered to the

Veterans Administration. If application for reinstatement is submitted by mail, properly addressed to the Veterans Administration, the postmark date shall be the date of delivery. The effective date of reinstatement of the insurance shall be the last monthly premium due date prior to the delivery or postmark date of the application for reinstatement, except where reinstatement is effected on the due date of a premium, then in such case that date shall be the reinstatement date.

(e) *Inquiry prior to expiration of the grace period.* When the insured under a National Service Life Insurance policy makes inquiry prior to the expiration of the grace period disclosing a clear intent to continue insurance protection, such as a request for information concerning premium rates or conversion privileges, etc., and additional reasonable period not exceeding 60 days may be granted for payment of premiums due; but the premiums in any such case must be paid during the lifetime of the insured.

7. Section 8.24 is revised to read as follows:

§ 8.24 Application and medical evidence.

The applicant for reinstatement of National Service Life Insurance, during his lifetime, and within 5 years after the date of lapse if the insurance was issued under 38 U.S.C. 725, must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23(a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23(a) must be accompanied by evidence of good health satisfactory to the Administrator. If the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Deputy Director for Underwriting, Accounts and Insurance Claims in Central Office and Insurance Officers, Veterans Administration Centers, St. Paul, Minn., and Philadelphia, Pa., may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans Administration.

8. In § 8.26, paragraph (a) is amended to read as follows:

§ 8.26 How paid.

(a) Except as hereinafter provided in this paragraph, a National Service Life Insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans Affairs. Dividends becoming payable after January 1, 1952, shall be payable on the date preceding the anniversary of the policy unless the Administrator shall declare them payable on some other date. Dividends are not payable on insurance:

(1) Issued or reinstated under the provisions of section 602(c)(2) of the National Service Life Insurance Act, as amended, where the requirements of good health were waived at the time of such issue or reinstatement;

(2) Issued under sections 620 and 621 of the National Service Life Insurance Act, as amended;

(3) Issued under sections 704(c), 722(a), 723(b), and 725 of title 38, United States Code;

(4) Issued on the ordinary life plan under section 704(d) of title 38, United States Code, to replace the amount of insurance reduced under a modified life plan policy issued under 38 U.S.C. 704(c); and

(5) On which premiums are waived, in whole or in part, under the provisions of section 622 of the National Service Life Insurance Act, as amended, and 38 U.S.C. 724 for the period during which such premium waiver is in effect.

9. In § 8.27, paragraphs (a), (b), and (c) are amended and paragraphs (d) through (g) are added so that the added and amended material reads as follows:

§ 8.27 Cash value.

(a) *Cash value on participating National Service Life Insurance other than as provided in paragraph (e) of this section.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29(b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3 per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve together with any dividend accumulations. For each month after the first policy year for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be

deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. The provisions of the "Net Cash Value" clause in National Service Life Insurance policies are hereby amended accordingly.

(b) *Cash value on insurance issued under the provisions of section 620 of the National Service Life Insurance Act, as amended, section 722(a) of title 38, United States Code, and on modified life and ordinary life plans of such insurance issued under sections 704 (c) and (d), respectively, of such code.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29(b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the 5-year level premium term plan; all values on such insurance, reserves, and net single premiums being based on the Commissioners 1941 Standard Ordinary Table of Mortality, with interest at the rate of 2½ per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve. Values between policy years shall be proportionally adjusted. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery.

(c) *Cash value on insurance issued under the provisions of section 723(b) of title 38, United States Code, and on modified life and ordinary life plans of such insurance issued under sections 704 (c) and (d), respectively, of such code.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29(b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the limited convertible 5-year level premium term plan; all values on such insurance, reserves, and net single premiums being based on table X-18 (1950-54 Intercompany Table of Mortality) with interest at the rate of 2½ per

centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve. Values between policy years shall be proportionally adjusted. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery.

(d) *Cash value on nonparticipating insurance on which the requirements of good health were waived under the provisions of section 602(c)(2) of the National Service Life Insurance Act, as amended ("H" Insurance), and on the modified life and ordinary life plans of such "H" insurance issued under sections 704 (c) and (d), respectively, of title 38, United States Code.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29(b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3 per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve. Values between policy years shall be proportionally adjusted. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery. The provisions of the "Net Cash Value" clause in National Service Life Insurance policies are hereby amended accordingly.

(e) *Cash value on participating modified life and ordinary life plan insurance*

issued under sections 704 (b) and (d), respectively, of title 38, United States Code. Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29(b), shall become effective at the completion of the first policy year on participating modified life and ordinary life plans of insurance issued under 38 U.S.C. 704 (b) and (d), respectively. All values on such insurance, reserves, and net single premiums shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve together with any dividend accumulations. Values between policy years shall be proportionally adjusted. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery.

(f) *Cash value on insurance issued under the provisions of section 725(b) of title 38, United States Code, and on modified life and ordinary life plans of such insurance issued under sections 704 (c) and (d), respectively, of such code.* Provisions for cash value, paid-up insurance and extended term insurance shall become effective at the completion of the first policy year on any plan of insurance issued under 38 U.S.C. 725(b), or any modified life and ordinary life plans of such insurance issued under 38 U.S.C. 704 (c) and (d), respectively. All values on such insurance, reserves and net single premiums are based on the 1958 Commissioners Standard Ordinary Basic Mortality Table and interest at the rate of 3½ per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve. Values between policy years shall be proportionally adjusted. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the

cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery.

(g) *Cash value on insurance issued under the provisions of section 725(c) of title 38, United States Code, and on modified life and ordinary life plans of such insurance issued under sections 704 (c) and (d), respectively, of such code.* Provisions for cash value, paid-up insurance and extended term insurance, shall become effective at the completion of the first policy year on any plan of insurance issued under 38 U.S.C. 725(c) or any modified life and ordinary life plans of such insurance issued under 38 U.S.C. 704 (c) and (d), respectively. All values on such insurance, reserves and net single premiums are based on the American Experience Table of Mortality and interest at the rate of 3½ per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve. Values between policy years shall be proportionally adjusted. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of premiums for at least 1 year. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery.

10. In § 8.29, paragraphs (a) and (b) are amended and paragraph (c) is added so that the added and amended material reads as follows:

§ 8.29 *Provision for extended term insurance—other than 5-year level premium term or limited convertible 5-year level premium term policies.*

(a) After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a permanent plan National Service Life Insurance policy other than the modified life plan has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance. The extended term insurance shall be for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness and a charge for administrative cost for insurance issued under 38 U.S.C. 725, will purchase when applied as a net single premium at the attained age of the insured. For this

purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall not have a loan value, but shall have a cash value.

(b) Upon default in payment of a premium within the grace period on any permanent plan of National Service Life Insurance other than the modified life plan and any plan of insurance issued under 38 U.S.C. 725, if the policy has been in force by payment or waiver of premiums for not less than 3 months nor more than 11 months, the policy shall be extended automatically as term insurance. The extended term insurance shall be for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the reserve of the policy less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of months from that date to the date extended term insurance becomes effective. Extended term insurance under this provision shall not have a cash or loan value. This paragraph shall be effective from and after August 2, 1948.

(c) Upon default in payment of a premium within the grace period, if a modified life plan of National Service Life Insurance has not been surrendered for cash or paid-up insurance and if the policy has been in force by payment or waiver of premiums for not less than 3 months, or for not less than 1 year for insurance issued under 38 U.S.C. 725, the policy shall be extended automatically as of insurance equal to (1) the Initial Face Amount of Insurance (face amount of policy in force prior to insured's 65th birthday) less any indebtedness, for lapses which occur prior to the insured's 65th birthday, or (2) the Ultimate Face Amount of Insurance (face amount of policy in force on or after insured's 65th birthday) less any indebtedness, for lapses which occur on or after the insured's 65th birthday. If a modified life plan policy is on extended term insurance at the end of the day preceding the 65th birthday of the insured the amount of extended term insurance in effect under such policy shall be automatically reduced by one-half thereof. The extended term insurance shall be effective from the due date of the premium in default for such time as the cash value or the reserve, whichever is applicable, of the policy less any indebtedness and a charge for administrative cost for insurance issued under 38 U.S.C. 725, will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of months and years from that date to the date the extended term insurance becomes effective. If the policy lapsed prior to the end of the first policy year, the extended

term insurance shall not have a cash or loan value. If the policy lapsed after the first policy year, the extended term insurance shall not have a loan value, but shall have a cash value.

11. Sections 8.30, 8.32, 8.33, 8.34, 8.35, 8.36, and 8.40 are revised to read as follows:

§ 8.30 Provision for paid-up insurance; other than 5-year level premium term or limited convertible 5-year level premium term policies.

If a National Service Life Insurance policy on any plan other than 5-year level premium term or limited convertible 5-year level premium term plan has not been surrendered for cash, upon written request of the insured and complete surrender of the insurance with all claims thereunder, after the expiration of the first policy year and while the policy is in force under premium-paying conditions, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness, and a charge for administrative cost for insurance issued under 38 U.S.C. 725, will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. Such paid-up insurance will be effective as of the expiration of the period for which premiums have been paid and earned; and, any premiums paid in advance for months subsequent to that in which the application for paid-up insurance is made shall be refunded to the insured. The paid-up insurance, if eligible to participate in and to receive dividends as set forth in § 8.26(a), shall be with the right to dividends. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.

§ 8.32 Plans of National Service Life Insurance.

Subject to the conditions stated in §§ 8.33 and 8.34, National Service Life Insurance on the 5-year level premium term plan or limited convertible 5-year level premium term plan, may be converted to the following permanent plans of insurance: modified life, ordinary life, 20-payment life, 30-payment life, 20-year endowment, endowment at age 60, and endowment at age 65. Subject to the conditions stated in § 8.34a, National Service Life Insurance on the 5-year level premium term plan issued under section 621 of the National Service Life Insurance Act, as amended, may be exchanged for limited convertible 5-year level premium term insurance.

§ 8.33 Conversion of a 5-year level premium term policy or limited convertible term policy as of a current effective date.

National Service Life Insurance on the level premium term plan which is in force may be exchanged, effective as of the date any premium becomes due within the term period, for insurance of the same amount, on any of the permanent

plans specified in § 8.32, except that conversion to a modified life plan must be made before the insured attains the insurance age of 61 years and the effective date of the modified life plan must be before that date. The permanent plan insurance will be issued on the same reserve basis as the term insurance for which it was exchanged, except that:

(a) Participating term insurance exchanged for insurance on a modified life plan under 38 U.S.C. 704(b) shall be issued pursuant to § 8.112b(a);

(b) Term insurance issued under section 621 of the National Service Life Insurance Act, as amended, shall be exchanged for permanent plan insurance issued pursuant to § 8.112 (b) and (c), or for a modified life plan issued pursuant to § 8.112b(b); and

(c) All other nonparticipating term insurance exchanged for a modified life plan shall be issued pursuant to § 8.112b(b).

The insured will be required to file written application and pay (except where premium waiver under 38 U.S.C. 712 is effective) the current monthly premium at the attained age of the insured for the plan of insurance selected. Where premium waiver is effective under 38 U.S.C. 724, that portion of the current monthly premium at the attained age of the insured for the plan of insurance selected which is not required for the pure insurance risk must be paid. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective. Conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination, except when deemed necessary to determine whether an applicant for conversion to an endowment plan is totally disabled, and upon complete surrender of the term insurance while in force by payment or waiver of premiums.

§ 8.34 Conversion of a 5-year level premium term policy or limited convertible term policy as of a date prior to the current month.

National Service Life Insurance on the level premium term plan which is in force may be exchanged, effective as of the date any premium has become due within the term period, for insurance of the same amount, on any of the permanent plans specified in § 8.32 except that conversion to a modified life plan must be made before the insured attains the insurance age of 61 years and the effective date of the modified life plan must be before that date. The permanent plan insurance will be issued on the same reserve basis as the term insurance for which it was exchanged except that (a) participating term insurance exchanged for insurance on a modified life plan under 38 U.S.C. 704(b) shall be issued pursuant to § 8.112b(a); (b) term insurance issued under section 621 of the National Service Life Insurance Act, as amended, shall be exchanged for permanent plan insurance issued pursuant to § 8.112 (b) and (c), or for a modified life plan issued pursuant to § 8.112b(b); and (c) all other nonparticipating term insurance exchanged for

a modified life plan shall be issued pursuant to § 8.112b(b). The insured will be required to file written application, pay the difference between the reserve on the new policy and the reserve on the old policy and pay (except where premium waiver under 38 U.S.C. 712 is effective) the current monthly premium at the attained age of the insured as of the effective date of the new policy. Where premium waiver is effective under 38 U.S.C. 724, the required reserve on the new policy must be paid together with that portion of the current monthly premium at the attained age of the insured as of the effective date of the new policy which is not required for pure insurance risk. Conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination, except when deemed necessary to determine whether an applicant for conversion to an endowment plan is totally disabled, and upon complete surrender of the term insurance while in force by payment or waiver of premiums. Waiver of the premiums on the new policy shall not be effective prior to the date such policy change was made.

§ 8.35 Exchange to a policy bearing the same effective date and having a higher reserve value.

If the insured be not totally disabled, National Service Life Insurance on any plan other than 5-year level premium term or limited convertible 5-year level premium term may be changed to insurance of the same amount, as of the same date, and based on the same age, on any plan of National Service Life Insurance, and except as hereinafter provided, on the same reserve basis having a higher reserve value, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy. If the insurance being exchanged was issued under 38 U.S.C. 725(c) the premium for the new policy will be calculated on the same basis as the premium for the old policy except for the difference due to the change of plan. Such exchange will be made without medical examination, except when deemed necessary to determine whether the insured be totally disabled, and upon complete surrender, while in force by payment of premiums, of the insurance being exchanged. Subject to the other conditions of this section, a participating modified life plan policy issued under 38 U.S.C. 704(b), and a participating ordinary life plan policy issued at age 65 under 38 U.S.C. 704(d), may be exchanged for a participating permanent plan policy with the premium rates, reserve, loan, paid-up and extended insurance values being based on the American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

§ 8.36 Exchange to a policy bearing the same effective date and having a lower reserve value.

National Service Life Insurance may be exchanged for insurance of the same amount, bearing the same date, and based on the same age, on any plan of National Service Life Insurance having

a lower reserve value, except to the 5-year level premium term or limited convertible 5-year level premium term plan. Exchange of insurance to a modified life plan must be made before the insured attains the insurance age of 61 years. The policies exchanged will have the same reserve basis, except that a participating policy exchanged for a modified life plan shall be exchanged for insurance issued pursuant to § 8.112b(a). If the insurance being exchanged was issued under 38 U.S.C. 725(c) the premium for the new policy will be calculated on the same basis as the premium for the old policy except for the difference due to the change of plan. The applicant must be in good health at the time of application and furnish evidence thereof satisfactory to the Administrator upon such forms as the Administrator shall prescribe, or otherwise as he shall require. The old insurance must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance, and such premiums shall not be subject to withdrawal by the insured prior to the expiration of the first policy year.

§ 8.40 Requirements for waiver of premiums under section 712 of title 38, United States Code.

Upon written application by the insured, and except as provided in this section, payment of premiums may be waived during the continuous total disability of the insured which continues or has continued for six or more consecutive months, provided such disability commenced (a) subsequent to date of application for insurance, (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's 65th birthday. However, if the total disability of the insured commenced on or after the insured's 60th birthday but before his 65th birthday, no premiums shall be waived under this section which became due prior to January 1, 1965. The insured shall be required to furnish proof satisfactory to the Administrator showing continuous total disability for at least 6 consecutive months and may be denied benefits for failure to cooperate. In the event of death of the insured without filing application for waiver, such application may be filed by the beneficiary with evidence of the insured's right to waiver under the conditions of this section within 1 year after death of the insured; or, if the beneficiary be insane or a minor, such beneficiary may file application for waiver with evidence of the insured's right to waiver under the conditions of this section within 1 year after removal of such legal disability. This section shall not apply to any premium waiver authorized under section 602(d)(3) of the National Service Life Insurance Act, as amended.

Waiver of premiums under this section shall not be denied on permanent plans of insurance issued or reinstated pursuant to 38 U.S.C. 781 because the total disability of the insured commenced prior to the date of his application for insurance or for reinstatement thereof; nor shall waiver of premiums under this section be denied on insurance issued under 38 U.S.C. 722(a) because the service-connected disability of the insured became total in degree prior to the effective date of such insurance. Waiver of premiums under this section shall not be denied on an ordinary life plan policy issued under 38 U.S.C. 704(d) because the total disability of the insured commenced prior to the effective date of such policy, provided premiums were being waived under this section on the modified life plan policy, which the ordinary life plan replaced, on the day before the insured's 65th birthday or such waiver of premiums is subsequently granted. Where an insured meets the requirements of this section, waiver of premiums hereunder on his National Service Life Insurance shall not be denied for the reason that premiums on such insurance are or have been waived under 38 U.S.C. 724.

12. In § 8.41, paragraphs (a) and (b) are amended to read as follows:

§ 8.41 Effective date of premium waiver.

(a) Upon written application of the insured, and except as hereafter provided in this paragraph, waiver of premiums may be granted effective as of the date 6 months continuous total disability commenced, but waiver in such cases shall not be effective as to any premium which became due more than 1 year prior to receipt of such application in the Veterans Administration. The Administrator may grant waiver of premiums in excess of such 1-year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control. However, if the total disability of the insured commenced on or after the insured's 60th birthday but before his 65th birthday, no premiums shall be waived under this paragraph which became due prior to January 1, 1965. On permanent plans of National Service Life Insurance issued pursuant to 38 U.S.C. 781, and on insurance issued under 38 U.S.C. 722(a), waiver of premiums shall not be effective prior to the premium due date in the month in which application for insurance is made or the effective date of such insurance, whichever is the later date. On an ordinary life plan policy issued pursuant to 38 U.S.C. 704(d), waiver of premiums shall not be effective prior to the effective date of such insurance. On permanent plans of National Service Life Insurance reinstated pursuant to said section 781, waiver of premiums shall not be effective prior to the effective date of reinstatement of such insurance.

(b) Upon written application of the beneficiary as provided in § 8.40, and except as hereafter provided in this para-

graph, waiver of premiums may be granted effective as of the date 6 months continuous total disability commenced, but waiver in such cases shall not be effective as to any premium which became due more than 1 year prior to the date of insured's death. The Administrator may grant waiver of premiums in excess of such 1-year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control. However, if the total disability of the insured commenced on or after the insured's 60th birthday but before his 65th birthday, no premiums shall be waived under this paragraph which became due prior to January 1, 1965. On permanent plans of National Service Life Insurance issued pursuant to 38 U.S.C. 781 and on insurance issued under 38 U.S.C. 722(a), waiver of premiums shall not be effective prior to the premium due date in the month in which application for insurance is made or the effective date of such insurance, whichever is the later date. On an ordinary life plan policy issued pursuant to 38 U.S.C. 704(d), waiver of premiums shall not be effective prior to the effective date of such insurance. On permanent plans of National Service Life Insurance reinstated pursuant to said section 781, waiver of premiums shall not be effective prior to the effective date of reinstatement of such insurance.

13. Sections 8.64, 8.66, and 8.76 are revised to read as follows:

§ 8.64 Examination of applicants for insurance or reinstatement.

(a) Except as provided in paragraph (b) of this section where physical or mental examination is required of an applicant for National Service Life Insurance or of an applicant for reinstatement of National Service Life Insurance, such examination may be made by a medical officer of the United States Army, Navy, Air Force, or Public Health Service, or may be made free of charge to him by a full-time or part-time salaried physician at a regional office or hospital of the Veterans Administration. Such examination may also be made, at the applicant's own expense, by a physician duly licensed for the practice of medicine by a State, possession of the United States, Commonwealth of Puerto Rico, or the District of Columbia, or by a duly licensed osteopathic physician who is a graduate of a recognized and approved college of osteopathy and who is listed in the current directory of the American Osteopathic Association. Such examination may be made by a physician or osteopath who is not related to the applicant by blood or marriage, associated with him in business, or pecuniarily interested in the insurance or reinstatement of the policy. Examinations made in a foreign country by a physician duly licensed for the practice of medicine and otherwise acceptable may be accepted if submitted through the American consul. The Administrator of Veterans Affairs may re-

quire such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

(b) Where physical or mental examination is required of an applicant for issuance of National Service Life Insurance under 38 U.S.C. 725, or for the issuance of any total disability income provision to be attached thereto, such examination (including any supplemental examination or tests) shall be made at the applicant's own expense, by a physician duly licensed for the practice of medicine by a State, possession of the United States, Commonwealth of Puerto Rico, or the District of Columbia, or by a duly licensed osteopathic physician who is a graduate of a recognized and approved college of osteopathy and who is listed in the current directory of the American Osteopathic Association. Such examination must be made by a physician or osteopath who is not related to the applicant by blood or marriage, associated with him in business, or pecuniarily interested in the issuance of the policy or the total disability income provision. Examinations made in a foreign country by a physician duly licensed for the practice of medicine and otherwise acceptable may be accepted if submitted through the American consul. The Administrator of Veterans Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

§ 8.66 Expenses incident to examinations for insurance purposes.

Except as provided in § 8.64(b), necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or hospitals shall be furnished when the insured is ordered to report for examination at the specific request of the insurance activity concerned, or the Manager of a regional office or Director of a hospital. Such expenses will be borne by the United States and will be paid from the applicable appropriation of the Department of Medicine and Surgery. Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination may be furnished the applicant, or the applicant may travel at his own expense and claim reimbursement for such travel on a mileage basis, provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis, payment will be made at a fee not in excess of the schedule of fees in effect and approved by the Veterans Administration for medical and professional services in the State in which the examination is made. Where no approved State fee schedule is in effect or where a fee for the type of examination author-

ized is not listed in the approved State fee schedule in effect, such examinations will be furnished at a fee not in excess of that listed in the "Guide for Charges for Medical and Ancillary Services" of the Department of Medicine and Surgery in effect at the time the examination is authorized. If the particular examination is not covered by a schedule in effect and/or the said guide, a fee not in excess of what is reasonable and customarily charged in the community concerned may be allowed.

§ 8.76 Selection and revocation of option.

The insured under a National Service Life Insurance policy may, during his lifetime, make his selection of the optional settlement set forth in §§ 8.79, 8.80, 8.80c or 8.81, whichever is applicable. Such selection shall not be valid unless and until notice thereof is received in the Veterans Administration. The insured may select a different optional settlement for the contingent beneficiary from that selected for the principal beneficiary. However, if the principal beneficiary entitled to settlement in one sum survives the insured or if the principal beneficiary not entitled to settlement in one sum survives the insured and receives any payment, the option selected for the contingent beneficiary shall have no force or effect, except as provided below in this section. Where the insured has selected a lump-sum settlement for the contingent beneficiary, and the principal beneficiary, not entitled to settlement in one sum, dies after payment has commenced but before all installments certain have been paid, the present value of the remaining unpaid installments certain shall be paid to the contingent beneficiary in one sum, unless such contingent beneficiary elects to continue to receive the remaining unpaid installments certain as they become due and payable. The insured may, during his lifetime, revoke his selection of the optional settlement, but the revocation shall not be valid unless and until notice thereof is received in the Veterans Administration.

14. In § 8.77(a), subparagraphs (4) and (5) are amended to read as follows:

§ 8.77 Election of optional settlement by beneficiary.

(a) * * *

(4) Except as hereinafter indicated settlement under option 4 is not available to any beneficiary who is 69 or more years of age at the time of the death of the insured. Settlement under option 4 of insurance issued under section 620 or 621 of the National Service Life Insurance Act, as amended, or 38 U.S.C. 722(a), is not available if a male beneficiary is 78 or more years of age or if a female beneficiary is 80 or more years of age at the time of death of the insured. Settlement under option 4 of insurance issued under 38 U.S.C. 723(b), is not available if a male beneficiary is 77 or more years of age or if a female beneficiary is 79 or more years of age at the time of death of the insured. Settlement under option 4 of insurance issued under 38 U.S.C. 725 is not available if a male beneficiary is

74 or more years of age or if a female beneficiary is 77 or more years of age at the time of death of the insured.

(5) If the option selected by the insured or the designated beneficiary requires payment to any one beneficiary of monthly installments of less than \$10, the amount payable to such beneficiary shall be paid under option 2 in such maximum number of monthly installments as are a multiple of 12 and will provide a monthly installment of not less than \$10. (See §§ 8.80a, 8.80b, 8.80d and 8.81a.)

15. Section 8.78 is revised to read as follows:

§ 8.78 Values for optional settlements.

The values for optional settlements on National Service Life Insurance are based on an insurance of \$1,000 without indebtedness. If there is an indebtedness under a National Service Life Insurance policy, the values will be decreased accordingly. If the policy provided for a smaller or larger amount of insurance than \$1,000 the values will be decreased or increased proportionately.

16. In § 8.79, the headnote and the introductory portion preceding "Option 1" is amended to read as follows:

§ 8.79 Optional settlements on participating National Service Life Insurance and nonparticipating insurance issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived.

The optional settlements under such a National Service Life Insurance policy maturing on or after August 1, 1946, are as follows:

17. Section 8.80a is revised to read as follows:

§ 8.80a Payment to a beneficiary where the monthly installment of participating National Service Life Insurance and nonparticipating insurance issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived, is less than \$10 under the option selected.

Where payment is to be made in 12 or 24 monthly installments (see § 8.77(a)(5)), the amount of each monthly installment will be paid in accordance with the following table:

Number of monthly installments	Amount of each monthly installment per \$1,000 insurance payable
12	\$84.47
24	42.86

18. Sections 8.81 and 8.81a are added to read as follows:

§ 8.81 Optional settlements on insurance issued under the provisions of section 725 of title 38, United States Code.

The optional settlements under a National Service Life Insurance policy issued under the provisions of 38 U.S.C. 725 are as follows:

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured.

Option 2. Insurance payable in elected installments. The installments noted below will be payable for an agreed number of months (not less than 36) to the designated beneficiary, but, if the designated beneficiary dies before the agreed number of monthly installments have been paid, the remaining unpaid monthly installments will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable:

Number of monthly installments	Amount of each monthly installment	Number of monthly installments	Amount of each monthly installment
36	\$29.19	144	\$8.46
48	22.27	156	7.94
60	18.12	168	7.49
72	15.35	180	7.10
84	13.38	192	6.76
96	11.90	204	6.47
108	10.75	216	6.20
120	9.83	228	5.97
132	9.09	240	5.75

Option 3. Insurance payable in installments throughout life. The monthly installments noted below will be payable throughout the lifetime of the designated beneficiary, but, if such beneficiary dies before 120 of such installments have been paid, the remaining unpaid monthly installments will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable:

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance payable to original beneficiary	
	Male	Female
10 and under	\$3.28	\$3.20
11	3.30	3.21
12	3.31	3.22
13	3.33	3.24
14	3.35	3.25
15	3.36	3.26
16	3.38	3.28
17	3.40	3.30
18	3.42	3.31
19	3.44	3.33
20	3.47	3.35
21	3.49	3.37
22	3.52	3.38
23	3.54	3.40
24	3.57	3.43
25	3.60	3.45
26	3.63	3.47
27	3.66	3.49
28	3.69	3.52
29	3.72	3.55
30	3.76	3.57
31	3.80	3.60
32	3.84	3.63
33	3.88	3.66
34	3.92	3.70
35	3.97	3.73
36	4.02	3.77
37	4.07	3.80
38	4.12	3.84

Age of beneficiary at date of death of insured	Amount of each monthly installment per \$1,000 of insurance payable to original beneficiary	
	Male	Female
39	\$4.17	\$3.89
40	4.23	3.93
41	4.29	3.98
42	4.36	4.02
43	4.42	4.07
44	4.49	4.13
45	4.57	4.18
46	4.64	4.24
47	4.72	4.30
48	4.80	4.37
49	4.89	4.44
50	4.98	4.51
51	5.07	4.59
52	5.17	4.67
53	5.27	4.75
54	5.37	4.84
55	5.48	4.94
56	5.59	5.03
57	5.71	5.14
58	5.83	5.25
59	5.96	5.37
60	6.09	5.49
61	6.23	5.62
62	6.38	5.76
63	6.53	5.90
64	6.69	6.05
65	6.84	6.20
66	7.01	6.37
67	7.18	6.54
68	7.35	6.71
69	7.52	6.90
70	7.70	7.09
71	7.88	7.28
72	8.05	7.47
73	8.22	7.67
74	8.39	7.87
75	8.56	8.07
76	8.72	8.26
77	8.87	8.45
78	9.01	8.64
79	9.14	8.81
80	9.26	8.97
81	9.36	9.12
82	9.46	9.25
83	9.54	9.37
84	9.60	9.48
85	9.66	9.56
86	9.71	9.63
87	9.74	9.69
88	9.77	9.74
89	9.79	9.77
90	9.81	9.79
91	9.82	9.81
92	9.82	9.82
93 and over	9.83	9.83

Option 4. Refund life income. The amount of the installments noted below will be payable monthly throughout the lifetime of the designated beneficiary, but, if such beneficiary dies before payment of the number of installments certain noted below, the remaining unpaid monthly installments payable for such period certain as may be required in order that the sum of the installments certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness, will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable. The law does not authorize settlement under this option in any case in which less than 120 installments may be paid; if a male beneficiary is 74 or more years of age at the time of the death of the insured, payment will be made as provided in option 3; if a female beneficiary is 77 or more years of age at the time of the death of the insured, payment will be made as provided in option 3.

Option 4. (Beneficiaries of any age up to and including 73 for a male beneficiary and 76 for a female beneficiary: Payable for life of first beneficiary with number of installments stated below guaranteed.)

Age of beneficiary at date of death of insured	Male beneficiary		Female beneficiary	
	Number of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary	Number of guaranteed monthly installments	Amount of each monthly installment per \$1,000 insurance payable to original beneficiary
10 and under	306	\$3.27	314	\$3.19
11	305	3.28	313	3.20
12	304	3.30	312	3.21
13	302	3.32	310	3.23
14	301	3.33	309	3.24
15	299	3.35	308	3.25
16	297	3.37	306	3.27
17	295	3.39	305	3.28
18	294	3.41	304	3.30
19	292	3.43	302	3.32
20	290	3.45	301	3.33
21	289	3.47	299	3.35
22	287	3.49	297	3.37
23	285	3.52	295	3.39
24	283	3.54	294	3.41
25	281	3.57	292	3.43
26	278	3.60	290	3.45
27	276	3.63	288	3.48
28	274	3.66	286	3.50
29	272	3.69	285	3.52
30	269	3.72	282	3.55
31	266	3.76	280	3.58
32	264	3.79	278	3.60
33	262	3.83	276	3.63
34	259	3.87	274	3.66
35	256	3.91	271	3.70
36	254	3.95	269	3.73
37	251	3.99	266	3.76
38	248	4.04	264	3.80
39	245	4.09	261	3.84
40	242	4.14	258	3.88
41	239	4.19	256	3.92
42	236	4.24	253	3.96
43	233	4.30	250	4.01
44	230	4.36	247	4.06
45	227	4.42	244	4.11
46	224	4.48	241	4.16
47	220	4.55	237	4.22
48	217	4.62	234	4.28
49	214	4.69	231	4.34
50	210	4.77	228	4.40
51	207	4.85	224	4.47
52	203	4.93	221	4.54
53	200	5.02	217	4.61
54	196	5.11	214	4.69
55	192	5.21	210	4.77
56	189	5.31	206	4.86
57	185	5.41	203	4.95
58	182	5.52	199	5.05
59	178	5.64	195	5.15
60	174	5.76	191	5.26
61	170	5.89	186	5.38
62	166	6.03	182	5.50
63	163	6.17	178	5.62
64	159	6.32	174	5.76
65	155	6.48	170	5.90
66	151	6.65	166	6.05
67	147	6.83	161	6.22
68	143	7.02	157	6.39
69	139	7.22	153	6.57
70	135	7.44	148	6.76
71	131	7.66	144	6.97
72	127	7.90	140	7.19
73	123	8.16	135	7.43
74			131	7.67
75			127	7.93
76			123	8.22

1. For ages under 10, use age 10 value.
2. For male beneficiaries over age 73 and for females over age 76 use Option 3.

§ 8.81a Payment to a beneficiary where the monthly installment of insurance, issued under 38 U.S.C. 725, is less than \$10 under the option selected.

Where payment is to be made in 12 or 24 monthly installments (see § 8.77(a) (5)), the amount of each monthly installment will be paid in accordance with the following table:

Number of monthly installments	Amount of each monthly installment per \$1,000 insurance payable
12	\$84.65
24	\$43.05

19. In § 8.85, paragraph (c) is amended to read as follows:

§ 8.85 Renewal of National Service Life Insurance on the 5-year level premium term plan and limited convertible 5-year level premium term plan.

(c) Limited convertible 5-year level premium term insurance issued under the provisions of 38 U.S.C. 723(b) may not be renewed after the insured's 50th birthday. However, in any case in which the insured under a limited convertible term policy is totally disabled at the expiration of the term period ending on or after his 50th birthday and, except for the provision prohibiting renewal, the insured would be entitled to continued protection and waiver of premiums under 38 U.S.C. 712, the term

insurance, in the absence of instructions from the insured to the contrary, shall be automatically converted in the same amount to an ordinary life policy. The ordinary life policy shall be issued on the same reserve basis as the limited convertible term insurance and will become effective as of the day following the expiration of the term period. The premiums for the ordinary life policy will be the applicable premium rate for the attained age of the insured on the effective date.

20. Section 8.88 is revised to read as follows:

§ 8.88 Payment to designated beneficiaries where insurance matures on or after August 1, 1946.

National Service Life Insurance maturing on or after August 1, 1946, is payable to the designated beneficiary in 36 monthly installments unless one of the optional settlements as provided in § 8.79, 8.80, 8.80c, or 8.81, whichever is applicable, has been selected by the insured or the designated beneficiary. The monthly installments, without interest, which have accrued since death of the insured (the first installment being due on the date of the death of the insured), and the monthly installments which thereafter are payable in accordance with the option selected, shall be paid to the designated beneficiary or beneficiaries.

21. In § 8.99, the headnote and the introductory portion preceding the total disability income provision is amended to read as follows:

§ 8.99 Total disability income provision for National Service Life Insurance authorized by Public Law 85-678 and section 715 of title 38, United States Code, and issued prior to January 1, 1965.

The total disability income provision for National Service Life Insurance authorized by Public Law 85-678 and section 715 of title 38, United States Code, and issued prior to January 1, 1965, is as follows:

22. § 8.99a, the headnote and the introductory portion preceding the total disability income provision is amended to read as follows:

§ 8.99a Total disability income provision for National Service Life Insurance authorized by section 715 of title 38, United States Code, as amended by Public Law 88-355, effective January 1, 1965, other than insurance issued under 38 U.S.C. 725.

The total disability income provision for National Service Life Insurance authorized by 38 U.S.C. 715, as amended by Public Law 88-355, effective January 1, 1965, other than insurance issued under 38 U.S.C. 725 is as follows:

23. A new § 8.99b is added and the former § 8.99b is revised and redesignated § 8.99c so that the added and revised sections read as follows:

§ 8.99b Total disability income provision authorized by section 715 of title 38, United States Code, for National Service Life Insurance issued under section 725 of the code.

The total disability income provision authorized by 38 U.S.C. 715 for National Service Life Insurance policies issued under 38 U.S.C. 725, is as follows:

NATIONAL SERVICE LIFE INSURANCE

TOTAL DISABILITY INCOME PROVISION

Attached to and made a part of Policy No. _____ on the life of _____

Premiums

Monthly _____
Quarterly _____
Semiannual _____
Annual _____

The premiums for this provision may be adjusted to cover the administrative costs of the insurance to the Government in the same manner as that set forth in the policy to which the provision is attached.

If the insured becomes totally disabled before his 65th birthday and remains so disabled for at least 6 consecutive months, there will be paid to the insured, for as long as the total disability continues, a monthly income of \$10 for each \$1,000 of face amount of this policy, and the payment of the premiums for this provision (as well as for this policy) will be waived, subject to the following clauses (A) to (L):

(A) Total disability is defined as any one of the following:

(1) Any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation;

(2) The permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye;

(3) The total loss of hearing of both ears; or

(4) The organic loss of speech.

(B) Total disability must be continuous and must exist for at least 6 consecutive months. It must have started:

(1) Before the insured's 65th birthday;

(2) After the date of application for this provision or the effective date hereof, whichever is later; and

(3) While this provision is in effect.

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments

due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

(E) Waiver of the payment of premiums for this provision (as well as for this policy) will be made effective with the first monthly premium due after the start of the continuous total disability, except that premiums due more than 1 year prior to receipt of claim will be waived only if the Administrator finds that the insured's failure to submit timely claim or satisfactory evidence of continuance of total disability was due to circumstances beyond the insured's control. Waiver of premiums will continue for as long as the total disability continues. Premiums paid to cover a period during which waiver of premiums is effective will be refunded without interest to the insured if living, otherwise to the person entitled to the proceeds of this policy.

(F) Notwithstanding the fact that proof of total disability may have been accepted as satisfactory, the Administrator may at any time require proof of continuance of total disability. If the insured fails to furnish evidence satisfactory to the Administrator of the continuance of such total disability, or if it appears to the Administrator that the insured is not totally disabled, no further total disability income payments will accrue and no further waiver of the payment of premiums will be granted. Thereafter, premiums on this policy (including this provision) will become due and payable as provided in the policy and in this provision.

(G) This provision will cease to be in effect on the insured's 65th birthday, or if this policy or this provision lapses, or if this policy is surrendered for its net cash value, or for extended term insurance, or is surrendered for paid-up life insurance of less than \$1,000, or if the policy matures as an endowment.

(H) If this policy is surrendered for paid-up life insurance of not less than \$1,000 face amount, this provision may be continued by the payment of the required premiums as they become due. In that event the face amount of this policy, for the purposes of this provision only, will be the largest multiple of \$500 which does not exceed the amount of the paid-up life insurance.

(I) If this provision has lapsed, it may be reinstated within 5 years from the date of lapse, but not thereafter, provided the following requirements are met:

(1) A written application signed by the insured, and evidence of health satisfactory to the Administrator must be furnished.

(2) The required premiums and interest must be paid.

(J) If there is a change of plan under this policy which results in a larger premium for this provision, then in order to continue this provision there must also be paid (1) the differences between the premiums already paid for this provision and those that would have been paid for this provision had this policy been in force on the new plan when this provision originally became effective, and (2) interest on such differences at the rate of 3½ percent a year compounded annually. To this extent the provision entitled "Change of Plan" is modified.

(K) The benefits provided for in this provision will be in addition to all other benefits and privileges under this policy. Disability income payments made under this provision will not reduce the face amount of this policy.

(L) This provision is granted in consideration of the application, evidence of good health, and payment of the monthly premium shown above (in addition to the monthly premium stated on the face of this policy), as well as any adjustments of such premiums, and the payment thereafter of the required premium on each succeeding monthly premium due date of this policy. Except as otherwise provided herein, premiums for this

provision are payable to the insured's 65th birthday or until the end of the premium-paying period of this policy, if earlier. If any premium for this provision is not paid before the end of the 31-day grace period, this provision will lapse as of the due date of that premium. Premiums for this provision may be paid quarterly, semiannually, or annually, in advance, but must be paid in the same manner as the premiums for this policy.

This provision takes effect on this _____ day of _____ 19____.

(S) ADMINISTRATOR OF VETERANS AFFAIRS.

§ 8.99c Premium rates for the total disability income provision authorized by section 715 of title 38, United States Code, as amended by Public Law 88-355.

The premium rates for the total disability income provision authorized by section 715 of title 38, United States Code, as amended by Public Law 88-355, are published in Veterans Administration Pamphlet 29-13 and Veterans Administration Pamphlet 29-13A. If the total disability income provision is attached to a policy of insurance issued under 38 U.S.C. 725, or to a modified life plan of such insurance issued under 38 U.S.C. 704(c), the premium for the provision may be adjusted to cover administrative cost to the Government of the insurance as set forth in the policy.

24. Section 8.102 is revised to read as follows:

§ 8.102 Crediting of premiums to and payment of benefits from the National Service Life Insurance appropriation.

(a) All premiums and other collections on insurance granted or reinstated, pursuant to the following provisions of law, and on any total disability income provision attached thereto, shall be credited directly to the National Service Life Insurance appropriation:

(1) The second sentence of section 602 (c) (2), or the first proviso of section 602(v) (1) of the National Service Life Insurance Act, as amended August 1, 1946;

(2) 38 U.S.C. 725(c); and

(3) Policies of insurance referred to in subparagraphs (1) and (2) of this paragraph issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively.

(b) Any payment of benefits on insurance granted, deemed to have been granted, continued in force, or reinstated pursuant to the following provisions of law, and on any total disability income provision attached thereto, shall be made directly from the National Service Life Insurance appropriation:

(1) The second sentence of section 602 (c) (2), section 602(c) (3), section 602 (m) (2), section 602(p), or the first proviso of section 602(v) (1) of the National Service Life Insurance Act, as amended;

(2) 38 U.S.C. 725(c); and

(3) Policies of insurance referred to in subparagraphs (1) and (2) of this paragraph issued on the modified life or ordinary life plans under 38 U.S.C. 704 (c) or (d), respectively.

25. In § 8.103, the headnote and paragraphs (a) and (b) are amended and

paragraph (c) is added so that the amended and added material reads as follows:

§ 8.103 Crediting of premiums to and payment of benefits from the Service-Disabled Veterans' Insurance Fund, the Veterans' Special Term Insurance Fund and the revolving fund for insurance issued under 38 U.S.C. 725(b).

(a) All premiums and other collections for insurance issued under the provisions of section 620 of the National Service Life Insurance Act, as amended, or 38 U.S.C. 722(a), and for any modified life or ordinary life plans of such insurance issued under 38 U.S.C. 704 (c) or (d), shall be credited directly to a fund in the Treasury of the United States to be known as the Service-Disabled Veterans' Insurance Fund. Any payments on such insurance shall be made directly from such fund.

(b) All premiums and other collections for insurance issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, or 38 U.S.C. 723(b), and for any modified life or ordinary life plans of such insurance issued under 38 U.S.C. 704 (c) or (d), and any total disability income provision attached thereto, shall be credited directly to a fund in the Treasury of the United States to be known as the Veterans' Special Term Insurance Fund. Any payments on such insurance and any total disability income provision attached thereto shall be made directly from such fund.

(c) All premiums and other collections for insurance issued under the provisions of 38 U.S.C. 725(b), and for any modified life or ordinary life plans of such insurance issued under 38 U.S.C. 704 (c) or (d), and for any total disability income provision attached thereto, shall be credited directly to a revolving fund in the Treasury of the United States. Any payments on such insurance and any total disability income provision attached thereto shall be made directly from such fund.

26. In § 8.108, the introductory portion preceding paragraph (a) is amended, the note "Policy plans in paragraphs (g) through (q) of this section are nonparticipating" is deleted, and paragraphs (r) through (v) are added to read as follows:

§ 8.108 Forms of policies.

The forms of policies of insurance, listed in paragraphs (a) through (v) of this section, are hereby prescribed for use in granting National Service Life Insurance applied for in accordance with the provisions of the National Service Life Insurance Act of 1940, and the National Service Life Insurance provisions of title 38, United States Code, amendments and supplements thereto, and Veterans Administration regulations promulgated pursuant thereto. Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms and policy plans listed in paragraphs (a) through (v) of this section are subject in all respects to the applicable provisions of

title 38, United States Code, amendments and supplements thereto, and applicable Veterans Administration regulations promulgated pursuant thereto, all of which together with the insured's application, required evidence of health, including physical examination, if required, and tender of premium shall constitute the contract. Any such policy that has been or is hereafter issued or reinstated under any provision of the law which provides for premiums being credited to other than the National Service Life Insurance Fund shall not participate in any gains or savings of such funds.

(r) Ordinary life plan; Twenty payment life plan; and Thirty payment life plan; (VA Forms 29-8168, 29-8169, and 29-8170).

(s) Twenty year endowment plan; Endowment plan maturing at age 60; and Endowment plan maturing at age 65; (VA Forms 29-8171, 29-8172, and 29-8173).

(t) Modified life plan; (VA Forms 29-8161, 29-8162, 29-8163, 29-8164, 29-8165, 29-8166, and 29-8167).

(u) Ordinary life plan at age 65; (VA Forms 29-8175, 29-8176, 29-8177, 29-8178, 29-8179, 29-8180, and 29-8181).

(v) One year net single premium endowment plan; (VA Form 29-8174).

27. Section 8.111 is revised to read as follows:

§ 8.111 National Service Life Insurance issued under section 620 of the National Service Life Insurance Act, as amended, and section 722(a) of title 38, United States Code.

(a) National Service Life Insurance granted under the provisions of section 620 of the National Service Life Insurance Act, as amended, and 38 U.S.C. 722(a) shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance, except that (1) the premium rates, cash, loan, paid-up, and extended values shall be based upon the Commissioners 1941 Standard Ordinary Table of Mortality with interest at the rate of $2\frac{1}{4}$ per centum per annum; (2) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949 with interest at the rate of $2\frac{1}{4}$ per centum per annum; (3) all such insurance shall be issued on a nonparticipating basis; (4) waiver of premiums under 38 U.S.C. 712 shall not be denied because the service-connected disability of the applicant became total in degree prior to the effective date of such insurance; (5) effective May 1, 1965, insurance issued under 38 U.S.C. 722(a) on the modified life plan shall be issued under the same terms and conditions as are provided in this paragraph, except that at the end of the day preceding the 65th birthday of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the

policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th birthday of the insured the provisions of § 8.29(c) shall apply; (6) the modified life plan policy cannot be issued if the applicant has attained the insurance age of 61 years and must be effective before such date.

(b) National Service Life Insurance granted under section 620 of the National Service Life Insurance Act, as amended and 38 U.S.C. 722(a), shall be on one or more of the following plans: 5-year level premium term, modified life, ordinary life, 20-payment life, 30-payment life, 20-year endowment, endowment at age 60, and endowment at age 65. No insurance shall be issued on an endowment plan if the applicant is totally disabled. Insurance issued under said section 620 and 38 U.S.C. 722(a) shall be in the amount of not more than \$10,000 nor less than \$1,000 in multiples of \$500, and no policy may be issued for less than \$1,000. However, ordinary life plan insurance issued under 38 U.S.C. 704(d) to replace any amount of insurance reduced under a modified life plan policy by reason of attainment of age 65, shall be issued in an amount of not less than \$500, in multiples of \$250, but not in excess of one-half of the face amount of the modified life policy in force by payment or waiver of premiums on the day before the insured's 65th birthday. No person may carry at any one time a combined amount of insurance in force in excess of \$10,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, as amended, the National Service Life Insurance Act, as amended, and chapter 19 of title 38, United States Code.

28. In § 8.112, paragraph (b) is amended to read as follows:

§ 8.112 National Service Life Insurance issued under section 621 of the National Service Life Insurance Act, as amended, and section 723(b) of title 38, United States Code.

(b) Effective January 1, 1969, 5-year level premium term insurance issued under section 621 of the National Service Life Insurance Act, as amended, may be converted to a permanent plan of insurance or exchanged for a policy of limited convertible 5-year level premium term insurance issued pursuant to 38 U.S.C. 723(b). National Service Life Insurance issued pursuant to 38 U.S.C. 723(b) shall be issued upon the same terms and conditions as are contained in standard policies of National Service Life Insurance except (1) after September 1, 1960, limited convertible term insurance may not be issued or renewed after the insured's 50th birthday; (2) the premium rates, cash, loan, paid-up, and extended values shall be based on table X-18 (1950-54 Intercompany Table of Mortality) with interest at the rate of $2\frac{1}{4}$ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949 with interest at the rate of $2\frac{1}{2}$ per centum per annum; (4) such insurance and any total disability income

provision attached thereto shall be non-participating. Insurance issued under 38 U.S.C. 723(b) shall not be in excess of the amount of insurance in force granted under section 621 of the National Service Life Insurance Act and shall be in multiples of \$500 but no policy shall be for less than \$1,000. However, ordinary life plan insurance issued under 38 U.S.C. 704(d) to replace any amount of insurance reduced under a modified life plan policy by reason of attainment of age 65, shall be issued in an amount of not less than \$500, in multiples of \$250, but not in excess of one-half of the face amount of the modified life plan policy in force by payment or waiver of premiums on the day before the insured's 65th birthday.

29. Sections 8.112a and 8.112b are added to read as follows:

§ 8.112a National Service Life Insurance issued under section 725 of title 38, United States Code.

(a) National Service Life Insurance may be granted under the provisions of 38 U.S.C. 725(b), on and after May 1, 1965, and prior to May 3, 1966, to persons referred to in § 8.0(d) (2) (i). It shall be issued under the same terms and conditions as are contained in standard policies of National Service Life Insurance, except (1) 5-year level premium term insurance may not be issued; (2) the net premium rates shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table, adjusted at the time of issue as the Administrator determines to be necessary for sound actuarial operations, and thereafter such premiums may be adjusted as the Administrator determines to be so necessary but at intervals of not less than 2 years; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at time of issue shall be charged for insurance issued under 38 U.S.C. 725(b) and for any total disability income provision attached thereto, and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than 5 years; (4) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table; (5) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949; (6) all calculations in connection with insurance issued under 38 U.S.C. 725(b) shall be based on interest at the rate of 3½ per centum per annum; (7) the insurance or any provision attached thereto cannot be reinstated if it has been lapsed for more than 5 years; (8) the insurance and any total disability income provision attached thereto shall be issued on a nonparticipating basis; (9) extended term insurance shall not be available prior to the completion of the first policy year and premiums for such year must have been paid or waived; (10) the effective date of the insurance shall be the date the application and tender of premiums therefor are mailed or otherwise delivered to the Veterans Administra-

tion; (11) insurance issued under 38 U.S.C. 704(c) and 725(b) on the modified life plan shall be issued under the same terms and conditions as are provided in this paragraph, except that at the end of the day preceding the 65th birthday of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th birthday of the insured the provisions of § 8.29(c) shall apply; and (12) the modified life plan policy cannot be issued if the applicant has attained the insurance age of 61 years.

(b) National Service Life Insurance may be granted under the provisions of 38 U.S.C. 725(c), on and after May 1, 1965, and prior to May 3, 1966, to persons referred to in § 8.0(d) (2) (ii). Such insurance shall be issued under the same terms and conditions as are contained in standard policies of National Service Life Insurance, except (1) 5-year level premium term insurance may not be issued; (2) the premiums charged for the insurance issued under 38 U.S.C. 725(c) may be adjusted at the time of issue as the Administrator determines to be necessary for sound actuarial operations and thereafter such premiums may be adjusted from time to time as the Administrator determines to be so necessary; for the purpose of establishing the initial premium rates for insurance issued under 38 U.S.C. 725(c), and for any subsequent adjustment thereof, the service-connected disabled group and non-service-connected disabled group may be separately classified, and charged a different premium rate for the protection granted; and individuals within each of the two groups may be separately rated, depending upon the nature of their impairment and the risk involved; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at the time of issue shall be charged for insurance issued under 38 U.S.C. 725(c) and for any total disability income provision attached thereto (for which the insured may subsequently become eligible) and thereafter such costs may be adjusted as the Administrator determines to be necessary but at intervals of not less than 5 years and for this purpose the service-connected and non-service-connected can be separately classified; (4) the insurance and any total disability income provision attached thereto shall be issued on a nonparticipating basis; (5) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949; (6) all calculations in connection with insurance issued under 38 U.S.C. 725(c) shall be based on interest at the rate of 3½ per centum per annum; (7) the insurance or any provision attached thereto cannot be reinstated if it has been lapsed for more than 5 years; (8) extended term insurance shall not be available prior to

the completion of the first policy year and premiums for such year must be paid or waived; (9) the effective date of the insurance shall be the date the application and tender of premiums therefor are mailed or otherwise delivered to the Veterans Administration; (10) insurance issued under 38 U.S.C. 704(c) and 725(c) on the modified life plan shall be issued under the same terms and conditions as are provided in this paragraph, except that at the end of the day preceding the 65th birthday of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th birthday of the insured the provisions of § 8.29(c) shall apply; and (11) the modified life plan policy cannot be issued if the applicant has attained the insurance age of 61 years.

(c) National Service Life Insurance may be granted under the provisions of 38 U.S.C. 725(c), on or after May 1, 1965, and prior to May 3, 1966, to persons referred to in § 8.0(d) (2) (iii). Such insurance shall be issued in accordance with the provisions of paragraphs (b) and (c) of this section and with the following additional provisions:

(1) The insurance shall not be payable for death of the insured which occurs within 1 year from the effective date if such death is caused or is contributed to directly or indirectly by

(i) bodily or mental (including nervous) illness, injury, infirmity or disease of any kind or any medical or surgical treatment of such illness, injury, infirmity or disease which existed on the effective date of such insurance; or by

(ii) any other bodily, or mental (including nervous) illness, injury, infirmity or disease arising as a complication or sequela of or secondary to progress or treatment of the bodily or mental (including nervous) illness, injury, infirmity or disease which existed on the effective date of such insurance.

(2) The insurance shall not be payable if the insured, while sane or insane, shall commit suicide within 1 year from the effective date;

(3) If the insurance is not payable for death within 1 year from the effective date as set forth in subparagraphs (1) and (2) of this paragraph the premiums paid, without interest, less any indebtedness will be paid to the designated beneficiary, if living, otherwise to the insured's estate;

(4) If the insurance matures by death of the insured within 1 year from the effective date, the claimant will be required to submit notice of death and proof of the cause of death to Veterans Administration office which has jurisdiction over the insurance records as soon as practicable after death and in any event not later than 90 days from the date of death of the insured. In such cases the Veterans Administration shall have the

right and opportunity to investigate the circumstances of death, to examine the body and, if not prohibited by law, to make an autopsy.

(d) A 1-year net single premium endowment policy of National Service Life Insurance may be granted on or after May 1, 1965, and prior to May 3, 1966, to persons referred to in § 8.0(d) (2) (iii) in lieu of insurance issued to such persons under paragraph (c) of this section. Such 1-year net single premium endowment policy will be issued under the following terms and conditions: (1) It will be issued in an amount of not more than \$10,000 nor less than \$1,000 in multiples of \$500 but no policy may be issued for less than \$1,000; (2) The single premium for the policy will be \$966.18 per \$1,000 of insurance plus an additional charge for administrative cost; (3) The policy shall be effective as of the date the application and payment of the single required premium is mailed or otherwise delivered to the Veterans Administration; (4) The policy will have no loan, paid-up or extended insurance values, but will have a cash value as provided in this paragraph; (5) The cash value of the 1-year endowment policy at the end of the first policy month or at any time thereafter during the remainder of the 1-year period shall be \$966.18 plus one-twelfth of \$33.82 per \$1,000 of face amount of insurance for each completed policy month the insurance has been in force. Upon written request therefor and upon complete surrender of the insurance with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force for at least one month. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is mailed or otherwise delivered to the Veterans Administration, or as of the date of the check for the cash value, whichever is the later; (6) The policy shall be issued on a nonparticipating basis; (7) If the policy matures as an endowment it will be paid to the insured in a lump sum or in accordance with the provisions of §§ 8.92 and 8.81; (8) If the policy matures as a death claim during the 1-year endowment period the insurance will be paid in accordance with §§ 8.77(a), 8.78, 8.81, 8.81a, 8.88, 8.89, 8.90, 8.91, and 8.94, whichever is applicable; (9) The policy cannot be exchanged for any other policy of National Service Life Insurance; (10) The policy shall contain no provision for waiver of premiums under 38 U.S.C. 712 because of the total disability of the insured; (11) The provisions of §§ 8.0 through 8.118 will not be applicable to the 1-year net single premium endowment policy except for §§ 8.0(d), 8.1, 8.46, 8.47, 8.52, 8.54, 8.55, 8.59, 8.60, 8.61, 8.62, 8.64(b), 8.71, 8.76, 8.77(a), 8.78, 8.81, 8.81a, 8.88, 8.89, 8.90, 8.91, 8.92, 8.93, 8.94, 8.102, 8.108, and 8.117; (12) The provisions of chapter 19 of title 38, United States Code, shall not apply to the 1-year single premium endowment policy except sections 701, 703, 706 as to cash value, 710, 711, 717, 718, 719(a), 725, 783, 784, 785, and 787.

The other provisions of title 38, United States Code, which are applicable to premium paying contracts of National Service Life Insurance will apply to the 1-year endowment policy.

(e) Except as provided in paragraph (d) of this section, National Service Life Insurance granted under 38 U.S.C. 725 shall be on one or more of the following plans: modified life, ordinary life, 20-payment life, 30-payment life, 20-year endowment, endowment at age 60, and endowment at age 65. Insurance issued under 38 U.S.C. 725 shall be in the amount of not more than \$10,000 nor less than \$1,000 in multiples of \$500, and no policy may be issued for less than \$1,000. However, insurance on the ordinary life plan issued under 38 U.S.C. 704(d) to replace any amount of insurance reduced under a modified life plan policy by reason of attainment of age 65 shall be issued in an amount of not less than \$500, in multiples of \$250, but not in excess of one-half of the face amount of the modified life plan policy in force by payment or waiver of premiums on the day before the insured's 65th birthday. No person may carry at any one time a combined amount of insurance in force in excess of \$10,000 under the War Risk Insurance Act, as amended; the World War Veterans' Act, as amended; the National Service Life Insurance Act, as amended; and chapter 19 of title 38, United States Code.

§ 8.112b National Service Life Insurance issued on the modified life plan and on the ordinary life plan under section 704 (b), (c), and (d) of title 38, United States Code.

(a) Effective May 1, 1965, and prior to the insured attaining the insurance age of 61 years, a policy of participating insurance may be converted or exchanged in accordance with §§ 8.33, 8.34, and 8.36, whichever is applicable, for a modified life plan issued under 38 U.S.C. 704(b). Insurance issued under 38 U.S.C. 704(b) shall be on the same terms and conditions as the participating insurance it replaces, except (1) the premium rates for such insurance shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; (2) all cash, loan, paid-up and extended values shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 per centum per annum; and (3) at the end of the day preceding the 65th birthday of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th birthday of the insured the provisions of § 8.29(c) shall apply.

(b) Effective May 1, 1965, and prior to the insured attaining the insurance age of 61 years, a policy of nonparticipating insurance may be converted or

exchanged in accordance with §§ 8.33, 8.34, and 8.36, whichever is applicable, for a modified life plan issued under 38 U.S.C. 704(c). Insurance issued under 38 U.S.C. 704(c) shall be under the same terms and conditions as the nonparticipating insurance it replaces, except that (1) term insurance issued under section 621 of the National Service Life Insurance Act, as amended, shall be deemed for the purpose of this paragraph to have been issued under 38 U.S.C. 723(b); and (2) at the end of the day preceding the 65th birthday of the insured, the face value of the modified life plan policy in force by payment or waiver of premiums and the amount of any extended term insurance thereunder shall be automatically reduced by one-half thereof, without any reduction in the premium; any indebtedness against the policy at the time of reduction will be continued on the reduced amount of insurance; and if the policy is on extended term insurance at the end of the day preceding the 65th birthday of the insured the provisions of § 8.29(c) shall apply.

(c) National Service Life Insurance on the ordinary life plan issued under 38 U.S.C. 704(d) shall, except for the provisions concerning automatic reduction on the day preceding the insured's 65th birthday, be issued on the same terms and conditions as the insurance on the modified life plan which the ordinary life plan replaces. The premium rates, cash, loan, paid-up and extended insurance values on the ordinary life policy issued under this paragraph shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy which it replaces. However, a participating ordinary life policy issued under this paragraph can be exchanged only for another participating permanent plan policy having a higher reserve (§ 8.35) and with premium rates, reserve, loan, paid-up and extended insurance values being based on the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. Settlements on ordinary life policies issued under this paragraph involving annuities shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy which it replaces. Waiver of premiums on the ordinary life plan under 38 U.S.C. 712 shall not be denied because the total disability of the insured commenced prior to the effective date of such policy, provided premiums were being waived under 38 U.S.C. 712 on the modified life plan policy, which the ordinary life plan replaced, on the date before the insured's 65th birthday, or such waiver of premiums is subsequently granted. Insurance on the ordinary life plan issued under this paragraph shall be granted in multiples of \$250 but not less than \$500 and such insurance shall not be granted in excess of one-half of the face amount of the modified life plan policy which was in force by payment or waiver of premiums on the day before the insured's 65th birthday.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective May 1, 1965.

Approved: March 9, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-2592; Filed, Mar. 18, 1965;
8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Manage- ment, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2182]

PART 2210—OCCUPANCY

Subpart 2211—Homesteads

LANDS SUBJECT TO ENTRY

The purpose of this amendment is to delete from the regulations obsolete pro-

visions concerning land subject to homestead entry. These provisions are no longer necessary because statutes authorizing them have been repealed or because all available land has been appropriated.

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the amendment merely deletes obsolete material and imposes no burden on applicants. Accordingly, these rules shall become effective upon publication in the *FEDERAL REGISTER*.

Section 2211.07 is revised in its entirety to read as follows:

§ 2211.07 Lands subject to entry.

(a) The laws relating to homesteads provide that homestead entry may be made on unappropriated surveyed public lands which are adaptable to agricultural use, with the following exceptions:

(1) Public lands are not subject to homestead entry if they are mineral or

saline in character. However, public lands withdrawn, classified, or valuable for coal, phosphate, nitrate, potash, oil, gas, sodium, or asphaltic minerals may be subject to homestead entry if the requirements of Subpart 2023 of this chapter are met.

(2) Public lands are not subject to homestead entry if they are occupied for purposes of trade or business.

(3) Public lands are not subject to homestead entry if they are within the limits of any withdrawal, reservation, or incorporated town or city. However, public lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or Executive Order 6964 of February 5, 1935, as amended, or by the establishment of grazing districts under section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315), are subject to homestead entry if they are so classified pursuant to Part 2410 of this chapter.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

MARCH 13, 1965.

[F.R. Doc. 65-2813; Filed, Mar. 18, 1965;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 25]

NATIONAL MILITARY PARKS

Licensing of Guides

Notice is hereby given that pursuant to the authority contained in section 3, 39 Stat. 535, as amended, 47 Stat. 1420, (16 U.S.C. 3 and 9a), E.O. 6166 of June 10, 1933, and E.O. 6228 of July 27, 1933 (5 U.S.C. 132, note), it is proposed to amend Part 25 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of these amendments is to provide a basis for licensing temporary guides, as well as regular guides, so that service to the public can be increased during periods of heavy visitation to the Park.

1. Section 25.2(e) is amended by deleting the words to the first colon and substituting therefor the following: "Each person licensed to act as a full-time guide will be issued a license in the following form:"

2. Section 25.2(f) is redesignated (g) and a new paragraph (f) is added to read:

(f) Each person licensed to act as a temporary or part-time guide, during periods of heavy visitation, will be issued a license in the following form:

(Place)

(Date)

-----, having successfully passed the examination prescribed for license, is hereby licensed to offer service as a guide to visitors. This license is issued subject to the condition that the licensee shall comply with all the rules and regulations prescribed for guide service by the Secretary of the Interior, copies of which have been furnished to him.

This license shall continue in effect for a period of ----- days beginning ----- unless revoked prior to the expiration of such period for failure to comply with the condition set out herein.

Superintendent,
----- National Military Park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MARCH 15, 1965.

[F.R. Doc. 65-2812; Filed, Mar. 18, 1965;
8:46 a.m.]

3658

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO 350]

QUALITY REGULATION OF DOMESTICALLY PRODUCED PEANUTS

Notice of Hearing With Respect to Proposed Marketing Agreement

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the auditorium of the Freer Art Gallery, 12th and Independence Avenue, SW., Washington, D.C., beginning at 9:30 a.m., e.s.t., April 7, 1965, with respect to a proposed marketing agreement applying quality regulations to the handling of domestically produced peanuts. The proposed marketing agreement has not received the approval of the Secretary of Agriculture.

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

A producer-sheller committee, with representatives from the major producer and sheller organizations in the three major production areas of the United States (the Virginia-Carolina area, the Southeastern area, and the Southwestern area) has proposed the following marketing agreement and requested a hearing thereon:

Marketing agreement. The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), desire to enter into this marketing agreement to apply quality regulations to the handling of domestically produced peanuts of 1965 and later crops and each party hereto agrees that, from the effective date of this marketing agreement, each acquisition, use and delivery of domestically produced peanuts shall be in conformity to, and in compliance with, the provisions hereof, which are as follows:

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Sec. 3. Person.

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

Sec. 4. Area.

"Area" means all States with commercial production of peanuts and includes the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Tennessee, Missouri, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and California.

Sec. 5. Peanuts.

"Peanuts" means the seeds of the legume *arachis hypogaea* and includes both inshell and shelled other than those marketed by the producer in green form for consumption as boiled peanuts.

(a) **Farmers Stock.** "Farmers stock peanuts" means picked and threshed peanuts which have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the form in which customarily marketed by producers.

(b) **Segregation 1.** "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold or decay. This definition may be modified by the Secretary upon recommendation of the committee or other information.

(c) **Segregation 2.** "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent but not more than 4 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold or decay. This definition may be modified by the Secretary upon recommendation of the committee or other information.

(d) **Segregation 3.** "Segregation 3 peanuts" means farmers stock peanuts with more than 4 percent damaged kernels or more than 1 percent concealed damage caused by rancidity, mold or decay. This definition may be modified by the Secretary upon recommendation of the committee or upon other information.

Sec. 6. Producer.

"Producer" means any person engaged within the area in a proprietary capacity in the production of peanuts for sale.

Sec. 7. Handle.

"Handle" means to engage in the receiving, cleaning and shelling, cleaning inshell, or crushing of peanuts and in the shipment (except as a common or

contract carrier) or sale of cleaned in-shell or shelled peanuts or other activity causing any form of peanuts to enter the current of commerce: *Provided*, That this term does not include sales or deliveries of peanuts by a producer to a handler or to an intermediary person engaged in delivering peanuts to handler(s): *And provided further*, That this term does not include sales or deliveries of peanuts by such intermediary person(s) to a handler.

Sec. 8. Handler.

"Handler" means any person who handles peanuts in a capacity other than that of a custom cleaner or dryer, an assembler, a warehouseman or other intermediary between the producer and the person handling and who is a party to this agreement.

Sec. 9. Crop year.

"Crop year" is synonymous with "fiscal year" and means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

Sec. 10. Production areas.

"Production areas" mean (a) The Southeastern Area consisting of the States of Alabama, Florida, Georgia, Mississippi, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(b) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(c) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

Sec. 11. Area association.

"Area association" means for the Southeastern area, GFA Peanut Association, Camilla, Georgia; Southwestern area, Southwestern Peanut Growers Association, Gorman, Texas; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Virginia.

PEANUT ADMINISTRATIVE COMMITTEE

Sec. 15. Establishment and membership.

A Peanut Administrative Committee (hereinafter referred to as committee) is hereby established to administer the terms and provisions of this agreement. Such committee shall consist of 18 members of whom 9 shall represent producers and 9 shall represent handlers. The producer representation shall be 3 for the Southeastern area, 3 for the Southwestern area, and 3 for the Virginia-Carolina area of which one of the 3 in each production area shall represent the respective area association. The handler representation shall also be 3 for each of the designated areas. For each member there shall be an alternate member.

Sec. 16. Eligibility.

Each producer member of the committee, or alternate member, shall be,

at the time of his selection and during his term of office, a producer, or an officer or employee of an area association, in the area for which selected and shall cease to be a member or alternate upon engaging in the handling of peanuts either in a proprietary capacity or as a director, officer, or employee of other than a cooperative association. Each handler member of the committee, and his alternate, shall be, at the time of his selection, a handler or an officer or employee of a handler in the area for which selected and shall throughout his term of office so continue to be a handler.

Sec. 17. Terms of office.

Members and alternate members of the committee shall serve for terms of 3 years ending on April 30 but initial members and alternates shall be selected for terms of 1, 2, or 3 years so that one-third of the producer and handler representatives in each area may be replaced each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

Sec. 18. Initial committee.

The initial members of the committee and their respective alternates shall be as follows:

SOUTHEASTERN AREA			
Producers	Member	Alternate member	Term of office years
Area association	D. H. Harjen	W. G. Miller	3
At large.....	James E. Mobley	T. Lewis Knox	2
Do.....	Emmett Reynolds	Billy Newberry	1
Handlers	Don Sands	Tom Chandler	3
	James Anderson	J. B. Roberts	2
	Raymond Singletary	Robert Pender	1

SOUTHWESTERN AREA			
Producers	Member	Alternate member	Term of office years
Area association	Ross Wilson	B. D. Green	3
At large.....	D. B. Warren	E. A. Walker	2
Do.....	Barton Scott	Jesse Leach	1
Handlers	John Haskins	Pat Cagle	3
	Melvin Shell	Ellis L. Ganey	2
	John Burroughs	R. L. Barden	1

VIRGINIA-CAROLINA AREA			
Producers	Member	Alternate member	Term of office years
Area association	S. Womack	J. F. Turner	3
At large.....	Joe S. Sugg	Minton Beach, Jr.	2
Do.....	Wm. V. Rawlings	G. B. Ligen	1
Handlers	H. R. Birdsong	W. J. Spain, Jr.	3
	T. J. White	W. P. Woodley	2
	B. E. Parker	William D. Shaw	1

Sec. 19. Nomination.

Producers and handlers may nominate their successor representatives to those named in section 18 at meetings held in each area, or may use mail ballot, except that each area association representative shall be nominated by the association. The committee shall hold and shall give reasonable publicity to nomination meetings. Only persons eligible to serve shall be eligible to vote. Each producer and each handler shall have but one vote, but a handler may vote in each production area in which he is a handler. Voting by producers shall be by secret ballot. The person receiving the largest number of the votes cast for a position shall be the nominee. All nominations shall be certified by the committee to the Secretary no later than April 5 preceding the commencement of the term of office.

Sec. 20. Selection.

The Secretary shall select producer and handler members and alternate members of the committee in the numbers and with the qualifications specified in this agreement. Such selections, other than the initial members, may be made from the nominations certified by the committee or from other eligible producers and handlers.

Sec. 21. Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified, the Secretary may select an eligible person to fill such position without regard to nomination.

Sec. 22. Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

Sec. 23. Alternate members.

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

Sec. 24. Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, and which is not recognized by the committee certifying to the Secretary a new nominee within 40 calendar days, may be filled pursuant to § 21.

Sec. 25. Compensation and expenses.

The members of the committee, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

Sec. 26. Procedure.

All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present except that a change of a quality regulation shall require approval of 75 percent of the members voting. Meetings, or portions of meetings, concerned with marketing policy or quality regulation shall be open to all members of the peanut industry. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum shall consist of not less than 50 percent of the producer members and 50 percent of the handler members. The committee may vote by mail or telegram upon due notice to all members, but any proposition so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

Sec. 27. Powers.

The committee shall have the following powers:

- (a) To administer the terms and provisions of this agreement;
- (b) To receive, investigate, and report to the Secretary, complaints of violations of this agreement; and
- (c) To recommend to the Secretary amendments to this agreement.

Sec. 28. Duties.

The committee shall have the following duties:

- (a) To act as intermediary between the Secretary and any producer or handler;
- (b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;
- (c) To investigate and assemble data on the production, handling, and marketing of peanuts;
- (d) To submit to the Secretary such available information with respect to peanuts as he may request and such other information as the committee may deem desirable and pertinent;
- (e) To select from among its members a chairman and other officers and to adopt such by-laws for the conduct of its business as it may deem advisable;
- (f) To appoint or employ such persons as it may deem necessary and to determine the salaries and define the duties of each such person;
- (g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;
- (h) To prepare and submit to the Secretary quarterly statements of the fi-

nanial operations of the committee and to make such statements together with the minutes of the meetings of said committee available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this agreement; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this agreement, as are consistent with its provisions, and as would tend to accomplish the purposes of this agreement and the act.

MARKETING POLICY**Sec. 30. Marketing policy.**

Prior to May 31, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy covering quality regulations for the pending crop. In the event it becomes advisable to modify such policy, because of changed conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. In developing the marketing policy, the committee shall give consideration to the production, harvesting and storage conditions, probable quality of crop, grading and treatment methods, inspection capability, demand for peanuts in domestic and foreign markets, the basis of handler indemnification, the probable assessable tonnage for the purposes of section 48 and such other factors as may have a bearing on the peanut quality regulation or the administration of this agreement. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity, to producers and handlers.

QUALITY REGULATION**Sec. 31. Incoming regulation.**

No handler shall receive or acquire peanuts, either from a producer or other person, unless such peanuts were determined pursuant to section 33 to be Segregation 1 peanuts at time of receipt from the producer or, if received from another person, had not been mixed with peanuts of a lower quality than Segregation 1: *Provided*, That a handler may (a) acquire and deliver for seed purposes farmers stock peanuts with not more than 3 percent damaged kernels nor more than 10 percent moisture if such peanuts were produced under the auspices of a State agency which regulates or controls the production of seed peanuts; (b) acquire shelled peanuts from the Commodity Credit Corporation (CCC) or cleaned inshell or shelled peanuts from handlers subject to this agreement, or from buyers who have purchased such peanuts from such handlers or from CCC, if the lot identity is maintained; (c) perform services for an area association pursuant to a peanut receiving and warehouse contract; and (d) if a crusher or handler, acquire peanuts of a lower quality than Segregation 1 as oil

stock upon such conditions as the committee, with the approval of the Secretary, may prescribe. Segregation 2 peanuts which are wholesome relative to mold damage may be released by the Secretary from peanuts held under CCC loan, upon recommendation of the committee or other information, whenever such are needed to fill demand and when required by section 35, the Secretary may authorize handlers to acquire Segregation 2 peanuts. The acquisition of loose shelled kernels or their removal from farmers stock peanuts shall be in accordance with such procedures as the committee, with the approval of the Secretary, may establish.

Sec. 32. Outgoing regulation.

(a) No handler shall mill, ship or otherwise dispose of for human consumption, peanuts which fail to meet such U.S. grade requirements, or modifications thereof, or requirements as to wholesomeness as the committee, with the approval of the Secretary, may specify including the tolerance for moldy peanuts, time in storage, or other pertinent factors. No inspection certificate issued pursuant to section 33 shall be effective if unacceptable to the committee or for more than such period of time as the committee may prescribe.

(b) Notwithstanding the restrictions contained in this section, any handler may transfer peanuts from one plant owned by him to another plant owned by him or to commercial storage or may ship peanuts from his plant to another handler's plant without having an inspection made as provided for in section 33. No such transfers or shipments shall be made except in accordance with such procedures as the committee, with the approval of the Secretary, may prescribe for movement within each production area, to another production area or to points outside thereof. The receiving handler shall, before shipping or otherwise making final disposition of such peanuts, comply with the requirements of this section and of section 33.

Sec. 33. Inspection, certification and identification.

Each handler shall, at his own expense, prior to or upon receiving and before shipping or disposing of peanuts, cause an inspection to be made of any such peanuts not covered by a valid inspection certificate, to determine whether they meet the applicable grade requirements effective pursuant to this agreement and shall comply with such identification requirements as the committee, with the approval of the Secretary, may prescribe. Such handler shall obtain a certificate that such peanuts meet the aforementioned applicable requirements and all such certificates shall be available for examination or use by the committee. Acceptable certificates shall be those issued by Federal or Federal-State inspectors authorized or licensed by the Secretary.

Sec. 34. Modification.

The requirements of sections 31 and 32 may be modified by the committee, with the approval of the Secretary, whenever it finds that such modification would

tend to effectuate the objectives of this agreement.

Sec. 35. Above parity situations.

The minimum standards, the grading and inspection requirements, and the provisions of this agreement relating to administration shall continue in effect irrespective of whether or not the estimated season average price for peanuts is in excess of the parity level specified in section 2(1) of the act.

Sec. 36. Indemnification.

The committee shall, upon such terms and conditions as it may establish with the approval of the Secretary, indemnify any handler, to the extent specified, for losses incurred by him on peanuts which have been milled for sale for human consumption and which meet the applicable grade, quality and other specifications but which are determined by the committee or the Food and Drug Administration to be unsuitable for human consumption because of aflatoxin. Any peanuts for which the handler is indemnified pursuant to this paragraph shall be delivered to the committee or disposed of as the committee may direct. Funds for such indemnification shall be obtained pursuant to section 48. The period of indemnification on any crop may extend to December 31 of the calendar year following the year in which the crop was produced.

REPORTS, BOOKS AND RECORDS

Sec. 40. Confidential information.

All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handlers or their customers shall be received by, and at all times kept in the custody and under the control of, one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this agreement.

Sec. 41. Reports of acquisitions and shipments.

Each handler shall file such reports of his acquisitions and shipments of peanuts, as may be requested by the committee.

Sec. 42. Other reports.

Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this agreement.

Sec. 43. Records.

Each handler shall maintain such records of peanuts received, held and disposed of by him, as will substantiate any required reports and will show performance under this agreement. Such records shall be retained for at least 2 years beyond the crop year of their applicability.

Sec. 44. Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this agreement, the committee, through its duly authorized agents, shall have access to any premises where peanuts may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any peanuts so held by such handler and any and all records of such handler with respect to the acquisition, holding, or disposition of all peanuts which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

Sec. 47. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this agreement, determine to be appropriate.

Sec. 48. Assessments.

(a) Each handler shall pay to the committee, upon demand, with respect to all peanuts received by him including his own production, his pro rata share of all expenses, indemnification and other, which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment fixed by the Secretary per net ton of farmers stock peanuts received or acquired. During a crop year the Secretary may not increase the rate of assessment to cover a deficit in the indemnification fund but may assess for a deficit in a subsequent year.

(b) In order to provide funds to carry out the functions of the committee, the committee may borrow money or may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Indemnification reserve.* The committee, with the approval of the Secretary, may establish and maintain during one or more crop years a monetary reserve in an amount approximating anticipated expenses for indemnification pursuant to section 36.

(d) *Refunds.* Administrative funds held by the committee at the conclusion of the crop year in excess of the crop year's expenses, other than indemnification funds, may be used to defray expenses for no more than the ensuing 4 months, and thereafter within a reasonable time the committee shall credit the aforesaid administrative excess to handlers who contributed to such excess: *Provided*, That the excess due any handler shall be applied, in whole or in part, by the committee to any outstanding obligation due the committee from such handler. Should any handler discontinue handling peanuts, such excess shall be refunded to him. A handler's share of such excess funds shall be the amount of such assessments he paid in excess of his actual pro rata share of the

administrative expenses of the committee. Upon termination of this agreement any indemnification money in possession of the committee shall be turned over to any successor committee or disposed of, with the approval of the Secretary, for projects of benefit to the peanut industry and any residual together with any administrative money shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practicable, such funds shall be returned pro rata to the persons from whom collected.

MISCELLANEOUS PROVISIONS

Sec. 50. Rights of the Secretary.

The members of the committee (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every 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, and upon such disapproval, shall be deemed null and void.

Sec. 51. Personal liability.

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

Sec. 52. Separability.

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

Sec. 53. Derogation.

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

Sec. 54. Duration of immunities.

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

Sec. 55. Agents.

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

Sec. 56. Effective time.

The provisions of this agreement, as well as any amendments, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in section 57.

Sec. 57. Suspension or termination.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this agreement, whenever he finds that such provisions do not tend to effectuate the declared policy of the act. Moreover, if the provisions of the CCC price support program relating to purchases from shellers are discontinued, or change appreciably, consideration shall be given to termination of this agreement.

(b) *Referendum.* The Secretary shall terminate, in accordance with 8c(16) (B) of the act, the provisions of this agreement at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of peanuts who during the crop year have been engaged in the production of peanuts for market: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such peanuts produced for market within the area, but such termination shall be effected only if announced on or before June 1 of the then current crop year.

(c) *Termination of Act.* The provisions of this agreement shall terminate, in any event, whenever the provisions of the act authorizing them cease to be in effect.

Sec. 58. Procedure upon termination.

Upon the termination of this agreement, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and 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 the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this agreement. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

Sec. 59. Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this agreement or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not

(a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this agreement or any regulation issued thereunder, or (b) release or extinguish any violation of this agreement or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

Sec. 60. 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. 61. Additional parties.

After the effective date of this agreement, any handler may become a party hereto 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.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C., 20250.

Dated: March 16, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 65-2815; Filed, Mar. 18, 1965;
8:50 a.m.]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS Proposed Modification of Container Regulations

Notice is hereby given, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and Section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U.S.C. 1001 et seq.) of a public hearing to be held at the Fairway Motor Hotel, McAllen, Tex., beginning at 9 a.m., local time, March 23, 1965.

Such hearing is being held to afford all interested persons an opportunity to present oral or written data, views, or arguments on whether the existing container regulation (29 F.R. 19234) should be amended or modified to permit on an experimental or other basis the use of smaller sized containers than the presently authorized 50- or 25-pound containers. At the March 9, 1965, meeting of the South Texas Onion Committee a proposal to amend the regulation to authorize use of smaller sized containers was presented, with Committee members and others divided in their views and representations regarding the effect of the proposal on promoting orderly marketing and on growers' returns, but with a majority of the Committee voting

to retain the present regulation. This hearing will afford opportunity for interested parties to present data, views, or arguments to assist the Secretary in arriving at a decision on this subject.

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

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[P.R. Doc. 65-2913; Filed, Mar. 18, 1965;
10:37 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[Economic Regs. Docket No. 15944]

CHARTER TRIPS AND SPECIAL SERVICES

Notice of Proposed Rule Making

MARCH 15, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 207 of the Board's Economic Regulations (14 CFR Part 207) so as to restrict the frequency and regularity of off-route charter trips.

The principal features of the proposed amendments are described in the Explanatory Statement set forth below. The amendments are proposed under the authority of sections 204(a) and 401(e) (6) of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371).

Interested persons may participate in these rule making proceedings through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before April 19, 1965, will be considered by the Board. In addition, all interested persons are invited to submit ten (10) copies of written data, views, or arguments pertaining solely to the communications to be filed by other persons pursuant to the invitation set forth above. All relevant communications of this nature received on or before May 4, 1965, will be considered by the Board before taking action.

Copies of all such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW, Washington, D.C., 20428, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Prior to the adoption of ER-419, 29 F.R. 13246, effective October 26, 1964, the Board's regulations governing charter service included a prohibition designed to prevent a carrier from operating off-route charters over another carrier's certificated routes on a frequent and regular basis (former § 207.7). In EDR-48B, 29 F.R. 1477, January 23, 1964, the Board proposed to delete this restriction on grounds that there was reason to believe the restriction was serving little purpose

since "the relative charter volume and frequency of off-route charters is so limited that the restrictions of * * * § 207.7 are rarely faced." After considering the comments filed in response to EDR-48B, the Board, in ER-419, decided to delete § 207.7 on grounds that "no substantial objections have been raised to the elimination of [this restriction] and there has been no showing of a need for a continuance of the protection afforded thereby."

Facts recently coming to the Board's attention indicate that off-route activity in certain markets threatens to reach a "frequent" and possibly a "regular" level and threatens to cause undue diversion from the regular route operators and from supplemental carriers. Continental

Air Lines, Inc., whose certificate of public convenience and necessity authorizes only domestic operations, has recently advised the Board that it has entered into "commitments" to operate more than 70 off-route transatlantic passenger charters during the 1965 summer season. These charters could be carried out within Continental's present authorization to operate off-route charters up to 2 percent of its annual on-route mileage. Continental has also applied for an exemption (Docket 15814) from the Part 207 volume limitations which would enable it to operate some of the additional off-route passenger charters for which it states it has received requests. The following is Continental's summary of such requests:

	Trans-Atlantic		Honolulu		Trans-Pacific	
	Flights	Mileage	Flights	Mileage	Flights	Mileage
Los Angeles/San Francisco.....	97	1,097,592	10	26,505	29	129,480
Points Chicago and west.....	44	214,699	22	85,626	0	0
Points east of Chicago.....	60	242,821	22	101,188	0	0

The preceding indicates a renewed need for restrictions against regular and frequent off-route operations. The attached proposed rule would reinstate the former § 207.7 restrictions on off-route operations between any pair of points.¹ The level of operations authorized is believed to be low enough to protect certificated operations but high enough to permit a carrier to conduct off-route operations in a particular market on an occasional basis. In addition to the restriction on off-route operations between any pair of points, the attached proposed rule would further restrict off-route charter operations in three markets—the transatlantic, transpacific and United States-Hawaii markets. Each of these markets would be treated as one pair of points, and a flight between any pair of points in the market would count against the total number and frequency of flights authorized.²

We believe that further restrictions are desirable in the three specified markets because each of these markets is an attractive potential target for off-route operations by combination and all-cargo carriers. If the only restriction on off-route operations in these three markets

was on operations between a pair of points it would be possible for combination and all-cargo carriers to mount off-route charter programs of sufficient magnitude to have a severe competitive impact on charter operations by supplemental carriers.³

The supplemental carriers all hold interim certificates for operations between the 48 contiguous States and Hawaii and there has been an increasing volume of such operations. In regard to the transpacific market, we have recently found that there is a need for low cost charter service in this market and that the carriers certificated for individually ticketed transpacific service are apparently failing to fulfill this need. In view of this situation we amended the interim operating certificates of two supplemental carriers, World Airways, Inc., Order No. E-21304, September 21, 1964, and Trans International Airlines, Inc., Order No. E-21574, December 9, 1964, to enable these carriers to attempt to develop the transpacific charter market. In regard to the transatlantic market, we have found that there is a need for charter service in addition to that provided by the IATA carriers and that it would be in the public interest to certificate two supplemental carriers, Capitol Airways, Inc., and Saturn Airways, Inc., to meet that need. See Transatlantic Charter Investigation, Orders Nos. E-20530, E-20531, February 24, 1964.

If the public is to obtain the full benefits which can flow from charter service in the three markets by supplemental carriers, the supplementals must be able to obtain sufficient revenue so that they can make an investment in personnel

¹For example, if the only restriction was on operations between a pair of points, a carrier could operate a substantial transatlantic program by operating the specified number and frequency of flights between New York and London, between New York and Paris, between Philadelphia and London, etc.

and equipment sufficient to permit aggressive promotion of charters and the development of the carriers' ability to act as charter specialists. This consideration was involved in our ruling in the Transatlantic Charter Investigation, supra, that no more than three applicants would be certificated for transatlantic charter operations. Having so acted to prevent an undue dilution of revenue, we do not propose to permit the same result to be accomplished by off-route operations. Similarly, in the transpacific and United States-Hawaii markets, it is our belief that it is necessary to restrict off-route charter operations by combination and all-cargo carriers in order to prevent undue dilution of the revenues available for supplemental carriers now holding interim authorizations.

We also believe that supplemental operations should be protected in the interests of insuring the development of economically sound operations by supplemental carriers. One of the reasons we certificated supplemental carriers rather than the other applicants for transatlantic charter authority was that "so long as national policy, as expressed in the recent legislation [viz., P.L. 87-528] favors the continuation of supplemental carriers as a class, we believe that such carriers should be given the opportunity to develop one of the few civilian markets left to them." Transatlantic Charter Investigation, supra. Similarly, in authorizing transpacific operations by World Airways, Inc., we found that,

"* * * [I]n the nearly two-year period that the supplemental carriers have been operating pursuant to P.L. 87-528, it has * * * become apparent that some broadening of the interim authority of the supplemental carriers will be required if these carriers are to be kept in an economically viable status pending final decision in Docket 13795 [the Supplemental Air Service Proceeding] * * *. The marginal and sub-marginal operating levels of these carriers have been of serious concern to the Board and we are exploring various avenues for alleviating, to the extent possible, this critical condition. In this connection, we are aware of the fact that this plight may worsen should the carriers not be able to mount a sufficiently strong civil operation to achieve continued eligibility for consideration for Department of Defense contracts." In this posture, we deem it desirable to enlarge, on a controlled basis, the available avenues for increasing the earnings of this group.⁴

It would be totally inconsistent with the preceding to fail to restrict off-route charter operations which threaten to capture enough of the market to preclude the authorized supplemental car-

"* * * It is obvious, therefore, that World must increase considerably the level of its civil operations in order to comply with the Department of Defense objective that for fiscal year 1966 at least 30 percent of a carrier's revenue be derived from commercial sources.

⁴Order No. E-21304, supra. These findings were incorporated by reference in the grant of transpacific authority to Trans International Airlines, Inc., Order No. E-21574, supra.

¹Although the impact from Continental's program will be in only a few markets, we consider it desirable to take preventive measures to forestall similar operations by other carriers in other markets.

²For example, proposed § 207.8(a) would limit a carrier to eight flights in the same direction in four calendar weeks. For points outside the specially restricted markets, the restriction would apply separately for each pair of points so that a carrier would not violate § 207.8(a) if, for example, in the same four-week period it operated eight flights between New York and Chicago and eight flights between New York and St. Louis. For points within a specially restricted market, a flight between any pair of points in the market would count against the restriction. Thus, a carrier would violate proposed § 207.8(a) if in the same four-week period it operated nine flights in the transatlantic market—e.g., eight New York-London flights and one New York-Paris flight.

riers from operating on an economically sound basis.

Finally, we wish to make it clear that, in the interests of avoiding confusion about the status of arrangements already entered into for charter flights in the coming season, we do not intend to make the restrictions proposed herein effective prior to October 1, 1965.

It should also be clearly understood that nothing we say here is to be construed as a prejudgment of any of the issues in the Supplemental Air Service Proceeding, Docket 13795.

Proposed rule. The Board proposes to amend Part 207 of its Economic Regulations (14 CFR Part 207) as follows:

1. Add the following after the definition of "combination carrier" in § 207.1:

"Hawaiian charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in the State of Hawaii, on the other hand.

2. Add the following after the definition of "special services" in § 207.1:

"Transatlantic charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa or Asia, as far east as (and including) India, on the other hand.

"Transpacific charter trip" means a charter trip between points within any State of the United States, on the one hand, and points in Australasia (including Australia, New Zealand, Polynesia, Micronesia and Melanesia), Indonesia, or Asia as far west as longitude 70 degrees east, on the other hand.

3. By redesignating §§ 207.8 and 207.9 as 207.9 and 207.10, respectively, and by adding a new § 207.8 to read as follows:

§ 207.8 Restriction on frequency and regularity of off-route charter trips and other special services.

No air carrier shall perform off-route Hawaiian charter trips, off-route transatlantic charter trips, off-route transpacific charter trips, any other off-route charter trips between any pair of points or special services between any pair of points:

(a) In excess of a total of eight (8) flights in the same direction during any period of four successive calendar weeks,

(b) In the same direction on the same day of two or more successive calendar weeks,

(c) In excess of a total of three (3) flights in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated in such market or between such points,

(d) Which are so arranged as to result in the observance of breaks required by paragraph (c) of this section at regularly recurring intervals, or

(e) Which are so arranged as to result in any uniform pattern or normal consistency of operations:

Provided, That the restrictions imposed by this section shall not be applicable to off-route cargo charters performed by an

all-cargo carrier within its area of operations as set forth in § 207.6.

[P.R. Doc. 65-2840; Filed, Mar. 18, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 63-80-40]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on February 2, 1965 (30 F.R. 1052) it was stated that the Federal Aviation Agency proposed to alter the control zone and transition area at Asheville, N.C.

Subsequent to the publication the Aircraft Owners and Pilots Association objected to the extreme size of the proposed transition area having a floor of 700 feet above ground. Additionally, the manager of Asheville Airpark objected to the proposed 700-foot transition area.

Because of these objections, the Asheville terminal area has been reexamined with reference to the relationship of minimum altitudes to terrain. Using topographic charts it was found that the proposed control zone extensions could be slightly reduced in length; however, a third extension to the southeast was found necessary. It was found that a large reduction to the 700-foot transition area could be made with no derogation to instrument procedures. With the exception of the altitude over the Asheville VOR, no additional procedural changes will be required.

The Federal Aviation Agency proposes to alter the proposed airspace actions for Asheville, N.C., as follows:

1. The Asheville, N.C., control zone would be redesignated within a 5-mile radius of Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.); within 2 miles each side of a 341° bearing from the Broad River RBN extending from the 5-mile radius zone to 9 miles S extending from the 5-mile radius zone of the airport; within 2 miles each side of a 159° bearing from the Asheville RBN to 5.5 miles N of the airport; and within 2 miles each side of a 129° bearing from the Asheville Airport extending from the 5-mile radius zone to 7.5 miles SE of the airport.

2. The Asheville, N.C., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within 2 miles W and 8 miles E of a 341° bearing from the Broad River RBN extending from the RBN to 7 miles N; within 2 miles E and 6 miles W of a 161° bearing from the Broad River RBN, extending from the RBN to 3 miles S of the RBN; within 2 miles each side of the Asheville VORTAC 244° radial extending from 1 mile SW to 8 miles SW; and within 5 miles W and 6 miles E of the 159° and 339° bearings from the Asheville RBN extending from 6 miles N to 10 miles S of the RBN; and that airspace extending upward from

1200 feet above the surface bounded by a line beginning at the intersection of a 25-mile arc centered at the Asheville Airport (latitude 35°26'00" N., longitude 82°32'25" W.) and a line 10 miles S of and parallel to the Asheville VORTAC 300° radial, extending clockwise along this arc to the Asheville VORTAC 061° radial, thence SE along a line perpendicular to the Asheville VORTAC 061° radial to the S boundary of V-222, thence SW along the S boundary of V-222 to a line 6 miles W of and parallel to the 161° bearing from the Broad River RBN, thence N along a line 6 miles W of and parallel to the 161° and 341° bearings from the Broad River RBN to a line 10 miles S of and parallel to the Asheville VORTAC 300° radial, thence NW along this line to the point of beginning; and that airspace bounded on the NW by V-222, on the NE by V-259, on the SE by V-20 and on the SW by V-296.

The proposed control zone extensions are needed to protect aircraft executing prescribed instrument approach procedures from the points at which descent is authorized below 1,000 feet above terrain.

The proposed 700-foot transition area aligned on Broad River RBN and the Asheville VORTAC is needed to protect the prescribed ADF, ILS, and VOR procedures. The 700-foot transition area aligned on the Asheville RBN is needed to protect aircraft executing the required shuttle climb to 5,000 feet.

The 1,200-foot transition area is required to protect approach procedures, holding patterns, missed approach procedures and transition routes in the Asheville terminal area. The transition area east of the Asheville VORTAC is needed to protect special routings for aircraft departing Asheville and Hickory, N.C., as well as holding patterns at Glenwood, Rutherford, Cherokee, and Maiden Intersections. This area is also used for radar vectoring at minimum altitudes.

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

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

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[P.R. Doc. 65-2805; Filed, Mar. 18, 1965;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-24]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the segment of VOR Federal airway No. 161 from Rochester, Minn., to Minneapolis, Minn., via the intersection of the Rochester 356° and the Minneapolis 116° True radials.

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 would facilitate the clearing of departures from St. Paul Downtown Airport, Minn., during the periods that terminal radar is inoperative. In addition, it would permit the establishment of an eastbound route from the St. Paul Downtown Airport that would be separated laterally from the holding and approach area utilized by aircraft landing on runway 29L at Minneapolis-St. Paul International Airport, Minn.

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

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

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

[P.R. Doc. 65-2806; Filed, Mar. 18, 1965;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the

Federal Aviation Regulations which would alter the transition area at Winston-Salem, N.C.

The transition area at Winston-Salem is presently designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Winston-Salem ILS localizer SE course extending from the 5-mile radius control zone to 8 miles SE of the LOM.

The control zone at Winston-Salem is presently designated as within a 5-mile radius of Smith-Reynolds Airport (latitude 36°08'00" N., longitude 80°13'20" W.), effective from 0700 to 2300 hours, local time daily.

During the hours the control zone is not effective the floor of controlled airspace within a 5-mile radius of Smith-Reynolds Airport is 1,200 feet above the surface.

In order to provide adequate controlled airspace for the protection of aircraft arriving and departing Smith-Reynolds Airport under instrument flight rules during the hours the control zone is not effective, the Federal Aviation Agency proposes the following airspace action.

The Winston-Salem, N.C., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Smith-Reynolds Airport (latitude 36°08'00" N., longitude 80°13'20" W.); within 2 miles each side of the Winston-Salem ILS localizer SE course, extending from the 5-mile radius area to 8 miles SE of the LOM.

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

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

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

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

Issued in East Point, Ga., on March 10, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[P.R. Doc. 65-2807; Filed, Mar. 18, 1965;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 63-SO-77]

TRANSITION AREA

Proposed Designation; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on January 8, 1965 (30 F.R. 234), it was stated, in part, that the Federal Aviation Agency proposed to designate a transition area at Ocala, Fla.

The proposed transition area was described as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ocala Municipal (Jim Taylor) Airport (latitude 29°10'20" N., longitude 82°13'25" W.); within 2 miles each side of the Ocala VORTAC 171° radial extending from the 5-mile radius area to 9 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 6-mile radius of Ocala Municipal Airport, including the area bounded on the S by a 15-mile radius arc centered on the Ocala VORTAC, on the NW by the NW boundary of V-441 and on the NE by the NE boundary of V-159.

The proposed transition area was needed, in part, to provide protected airspace for an instrument approach procedure to the Ocala Municipal Airport. Subsequent to the publication of the notice, it was determined that the instrument approach procedure should be adjusted by reducing the procedure turn altitude from 1,700 to 1,600 feet. This would provide a more favorable rate of descent for aircraft executing the approach.

In order to provide protected airspace for the lower procedure turn altitude, it is necessary to contain the procedure turn maneuvering area within the 700-foot transition area. It is now proposed to designate the Ocala, Fla., transition area as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ocala Municipal (Jim Taylor) Airport (latitude 29°10'20" N., longitude 82°13'25" W.); within 8 miles W and 5 miles E of the Ocala VORTAC 171° radial extending from the 5-mile radius area to 12 miles S of the VORTAC; that airspace extending from 1,200 feet above the surface within a 6-mile radius of Ocala Municipal Airport, including the area bounded on the S by a 15-mile radius arc centered on the Ocala VORTAC, on the NW by the NW boundary of V-441 and on the NE by the NE boundary of V-159.

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

tained in this notice may be changed in the light of comments received.

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

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2808; Filed, Mar. 18, 1965;
8:45 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 64-WA-76]

JET ROUTE

Proposed Designation; Supplemental Notice

In a notice of proposed rule making published in the FEDERAL REGISTER on

November 20, 1964 (29 F.R. 15583), the Federal Aviation Agency stated that it proposed to designate a jet route from the Memphis, Tenn., VORTAC via the Centralia, Ill., VOR to the Northbrook, Ill., VORTAC. Comments received thereon included an objection by the Department of the Air Force that the proposed alignment would interfere with instrument approach, departure and holding procedures at Blytheville, Ark., Air Force Base. The FAA Southern Region affirmed that this proposed route alignment would conflict with six approach and two departure procedures for the Memphis and Blytheville areas. Additionally, it would cross a Memphis center special operating area and holding procedures in the Memphis and Blytheville areas.

It is, therefore, proposed to align the route westwardly to avoid interference with these procedures and areas. The jet route would be aligned from Memphis via the intersection of the Memphis 353° and the Centralia 196° True radials; Centralia; to Northbrook. This alignment would benefit the route in that

conflicts and delays resulting from interference with these established procedures would be avoided, however, this alignment would add four miles to the distance of the route as originally proposed.

In view of this alteration to the proposal, the time within which comments will be received for consideration on this notice is hereby extended to April 12, 1965. 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.

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

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

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

[F.R. Doc. 65-2809; Filed, Mar. 18, 1965;
8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-12]

NEW LONDON HARBOR

Closure to Navigation During Launching of U.S.S. "George Bancroft"

By virtue of the authority vested in me as Commandant, United States 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 I. J. Stephens, Rear Admiral, United States 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 degrees 20 minutes 32 seconds North and 41 degrees 21 minutes 03 seconds North, be closed to all persons and vessels on Saturday, 20 March 1965, from 11:30 a.m., e.s.t., until the U.S.S. "George Bancroft" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn.

The launching of the U.S.S. "George Bancroft" is scheduled for 11:55 a.m., e.s.t., on Saturday, 20 March 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 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 ten years and may, at the discretion of the court, be fined not more than \$10,000.

Dated: March 15, 1965.

[SEAL]

E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 65-2938; Filed, Mar. 18, 1965; 11:17 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

OCHRANNY SVAZ AUTORSKY

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, 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, and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

Claimant, Claim No., Property, and Location

Ochranny Svaz Autorsky, CS. Armady 20, Praha-Bubenec, Czechoslovakia; Claim No. 36951; Vesting Order No. 2097; \$312.53 in the Treasury of the United States.

Executed at Washington, D.C., on March 11, 1965.

For the Attorney General.

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

[F.R. Doc. 65-2792; Filed, Mar. 18, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a.m., on April 21, 1965:

SALT LAKE MERIDIAN

Plats of survey accepted January 26, 1965:

T. 15 S., R. 18 W.,
Sec. 19, Lots 9, 10, 11, 12;
Sec. 20, Lots 6, 7, 8, 9, 10, 11, 12, 13;
Sec. 29, Lots 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 30, Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22;
Sec. 31, Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23;
Sec. 32, Lot 3.
T. 15 S., R. 20 W.,
Sec. 1, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 12, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 13, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 24, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 25, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Sec. 36, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 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1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757,

rocky. Vegetation consists mostly of shadscale, with small amounts of bunch grass scattered throughout these townships. Salt Marsh located in T. 15 S., R. 18 W., is an alkaline basin that is nearly dry. The western portion of this township consists of a number of small marshy meadows and water seeps. There is no timber found in these townships.

7. Inquiries concerning the lands should be addressed to the Manager, Utah Land Office, Post Office Box 11505, Salt Lake City, Utah, 84111.

J. E. KROGH,
Manager, Utah Land Office.

MARCH 12, 1965.

[F.R. Doc. 65-2814; Filed, Mar. 18, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ARAB STOCK YARD, INC. ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

ALABAMA	
Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
Arab Stock Yard, Inc., Arab, May 22, 1959	Arab Stock Yard, Oct. 31, 1964.
White Livestock Commission Co., Inc., Albertville, May 21, 1959.	Sand Mountain Sales Barn, Feb. 1, 1965.
ARKANSAS	
Clark County Livestock Auction, Arkadelphia, June 21, 1957.	Clark County Livestock Auction, Inc., Jan. 1, 1965.
COLORADO	
Brush Livestock Commission Co., Inc., Brush, Aug. 29, 1950.	Brush Livestock Commission Co., Feb. 23, 1965.
Stratton Sale Barn, Stratton, Mar. 6, 1957.	Stratton Sale Barn, Inc., Jan. 14, 1965.
FLORIDA	
West Florida Livestock Auction Market, Marianna, Mar. 1, 1960.	West Florida Livestock Auction Market Inc., Jan. 1, 1965.
ILLINOIS	
Neoga Auction, Inc., Neoga, June 16, 1961.	Neoga Livestock Commission Co., Feb. 8, 1965.
KANSAS	
Colby Livestock Auction, Inc., Colby, Dec. 6, 1950.	Colby Livestock Auction, Nov. 12, 1964.
Hutchinson Livestock Sales Pavilion, Inc., Hutchinson, Apr. 10, 1950.	Pawnee Cattle Co., Inc., July 24, 1962.
Stilwell Community Sale Barn, Stilwell, Feb. 17, 1961.	Stilwell Community Sale, Jan. 28, 1965.
LOUISIANA	
Micelle's Commission Yard, Lake Charles, Mar. 6, 1959.	Micelle's Commission Yard, Inc., Jan. 18, 1965.
MISSISSIPPI	
Ballew's Stockyards, Liberty, Feb. 17, 1959.	Southwest Mississippi Livestock Producers Association, Feb. 1, 1965.
Doc Billingsley Auction Sale, Senatobia, Jan. 14, 1959.	Billingsley Auction Sale, Dec. 18, 1964.
MISSOURI	
Gallatin Livestock Auction Co., Inc., Gallatin, May 20, 1959.	Gallatin Livestock Auction, Inc., Aug. 19, 1964.
Salem Auction Sales Co., Salem, May 9, 1959.	Salem Auction Co., Dec. 31, 1964.
Savannah Sale Co., Savannah, Aug. 16, 1962.	Savannah Sales Co., Mar. 14, 1963.
Versailles Auction Co., Versailles, May 23, 1959.	Versailles Auction Co., Jan. 1, 1965.
NORTH DAKOTA	
Hettinger Livestock Sale, Hettinger, May 22, 1959.	Hettinger Livestock Sales, Jan. 22, 1965.
OHIO	
Elkton Auction, Elkton, July 4, 1959.	Elkton Auction, Inc., Aug. 14, 1964.
TEXAS	
McKinney Livestock Commission Co., McKinney, Jan. 19, 1959.	Collin County Commission Co., Dec. 31, 1964.
Templer Livestock Auction, Inc., Belton, Sept. 10, 1963.	Belton Livestock Auction, Nov. 18, 1964.
Stamford Live Stock Commission Co., Stamford, Mar. 16, 1959.	Stamford Livestock Auction Co., Dec. 15, 1964.
Wharton Livestock Commission Co., Wharton, Oct. 26, 1951.	Wharton County Livestock Commission Co., Feb. 20, 1964.

Done at Washington, D.C., this 15th day of March 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-2835; Filed, Mar. 18, 1965; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 340]

J. & L. WELLNER ET AL.

Order Denying Export Privileges

In the matter of Jules M. and Leon Wellner, doing business as J. & L. Wellner, 608 Fifth Avenue, New York 20, N.Y.; Stamoglou Limited, 13 rue de la Confederation, Geneva, Switzerland; Eugene S. Stamoglou, 40 Bis Quai Gustave Ador, Geneva, Switzerland; Nassim Z. Moreno, 31 Grand Rue, Geneva, Switzerland and 50 West 58th Street, New York 19, N.Y.; respondents.

By charging letter dated July 29, 1964, the above-named respondents were charged by the Investigations Division, Office of Export Control, Bureau of International Commerce, with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondents filed answers to the charges. Only the respondents Jules M. and Leon Wellner (hereinafter referred to as the Wellners) requested a hearing.

The hearing requested was commenced on November 13, 1964, and was continued to a later date. Before the hearing resumed the Wellners, in accordance with the provisions of § 382.10 of the export regulations, with agreement of the Director, Investigations Division, proposed that a consent order, substantially in the form hereinafter set forth, be entered against them. Said respondents for the purpose of this proceeding admitted the jurisdiction of the forum, did not contest the charges alleged in the charging letter, waived all right to further oral hearings before the Compliance Commissioner, and further waived all rights of administrative appeals from, and judicial review of, such order.

The charging letter, respondents' answers, and evidence in support of the charges were presented to the Compliance Commissioner. He has reviewed the record in the case and reported the facts to the undersigned with his recommendation that the consent proposal of the Wellners be accepted, and that an order be entered against the Wellners and the other respondents in the form hereinafter set forth.

After reviewing the facts in the case and considering the Compliance Commissioner's recommendation, I hereby make the following:

Findings of fact. 1. The respondents, Jules M. Wellner and Leon Wellner, are partners doing business under the name J. & L. Wellner and have a place of business in New York City. These individuals and the firm will collectively be referred to as the Wellners. The Wellners are diamond dealers and, in the transactions in question, they engaged in exporting industrial diamonds. The respondent, Stamoglou Limited, is a United Kingdom firm with a principal place of business in London, England, and a branch office in Geneva, Switzerland. The firm is registered as a broker in certain commodities, and in the transactions in question engaged in import-

ing and exporting industrial diamonds. The transactions herein set forth were conducted from its branch in Geneva. The respondent Eugene S. Stamoglou was principal owner of Stamoglou Limited and he acted for the firm in these transactions. This firm and the individual will collectively be referred to as Stamoglou. The respondent Nessim Z. Moreno is an industrial consultant and had places of residence in Geneva and New York. He was a mutual acquaintance of the Wellners and Stamoglou and participated in the transactions as hereinafter set forth.

2. The respondent Moreno, by personal visits and letters, brought the Wellners and Stamoglou together as the result of which the Wellners and Stamoglou by exchange of correspondence entered into a business arrangement under which the Wellners exported industrial diamonds to Stamoglou.

3. The Wellners made three separate exportations of industrial diamonds from New York to Stamoglou in Geneva as follows: November 29, 1962, 100 carats, invoice price, \$685; January 31, 1963, 200 carats, invoice price, \$1,400; March 12, 1963, 1,000 carats, invoice price, \$7,400. Wellners commercial invoices to Stamoglou covering the three shipments had inscribed thereon the required destination control notice as follows: "These commodities licensed by the U.S. for ultimate destination Switzerland. Diversion contrary to U.S. laws prohibited." On the Shipper's Export Declarations under which the shipments of November 29, 1962, and January 31, 1963, were cleared the Wellners represented and certified that Eugene Stamoglou was the ultimate consignee of the shipments and that Switzerland was the country of ultimate destination. The exportations were made via registered air mail under purported General License GRO.

4. At all times here material the U.S. export regulations required a validated license for export of industrial diamonds from the United States to U.S.S.R. Applications for validated licenses were not made for any of these exportations and no such licenses were issued.

5. At the time the arrangements were entered into between the Wellners and Stamoglou, Stamoglou had a prospective customer for the industrial diamonds in U.S.S.R. and at all times intended to reexport the diamonds (which he would receive from the Wellners) from Switzerland to U.S.S.R. Stamoglou did reexport all of said diamonds (with exception of one lot of 100 carats from the January 31, 1963, shipment) from Switzerland to the U.S.S.R. without authorization from the Bureau of International Commerce. Out of the 1,200 carats reexported by Stamoglou to U.S.S.R., 1,100 carats were rejected by the buyer and were returned to Stamoglou, who in turn shipped them back to the Wellners.

6. During the period that these transactions took place Moreno was residing in Geneva, Switzerland and had a number of personal visits with Stamoglou. He was kept informed as to the progress of the dealings. There was correspondence between him and the Wellners. He

saw correspondence between Stamoglou and his (Stamoglou's) customer, and knew that Stamoglou intended to and did reexport the diamonds to the U.S.S.R. Moreno knew or should have known that the U.S. Export Regulations prohibited reexportation of industrial diamonds to the U.S.S.R. without authorization from the U.S. Government.

7. The Wellners knew or should have known at the time they made the aforesaid shipments to Stamoglou that he intended to reexport said industrial diamonds to the U.S.S.R. The fact that Stamoglou's customer was in the U.S.S.R. and that Stamoglou intended to reexport the industrial diamonds to the U.S.S.R. was again brought to the attention of the Wellners before they made the third shipment.

Based on the foregoing, I have concluded that the respondents and each of them violated § 381.3 of the export regulations in that they acted in concert with each other to bring about and do acts which constituted violations of the export regulations. I have also concluded that the respondents Jules M. Wellner and Leon Wellner, doing business as J. & L. Wellner, violated §§ 381.2, 381.4, and 381.5 of the export regulations in that they knowingly caused, aided, and permitted the doing of acts prohibited by said regulations; sold and forwarded commodities exported from the United States with knowledge that violations of the said regulations had occurred and were intended to occur; made false representations on Shipper's Export Declarations and used the general license symbol GRO thereon with knowledge that exportations made thereunder were in fact intended for the U.S.S.R. and required validated license for shipment to that country. I have further concluded that the respondents Eugene S. Stamoglou and Stamoglou Limited violated § 381.6 of the export regulations in that, without authorization from the Office of Export Control, they knowingly reexported commodities, originally exported from the United States, to persons and destinations contrary to the terms of export control documents and notifications of prohibitions against such actions, and contrary to the export regulations.

On consideration of the foregoing and based on the entire record, and being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in paragraph IV hereof, the respondents for a period of 27 months from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of

the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or re-exportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their successors, representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Three months after the effective date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored, except that no validated licenses which have been revoked under this order shall be restored. During the last 24 months of the denial period the respondents shall be on probation. In the event the respondents knowingly violate the terms and conditions of this order during the 3-month period of actual suspension, or knowingly violate any of the laws or regulations relating to export controls at any time during the entire 27-month period of the order, the Director, Investigations Division, may in his discretion, apply to the Compliance Commissioner, after giving the respondents advance written or oral notice of such proposed application, for an order revoking all export privileges. If such action be taken, it will in no way limit the Bureau of International Commerce from taking further action based on such violation as it shall deem necessary and proper. Any such application for revocation of probation and the proceedings conducted hereunder shall be in accordance with the provisions of § 382.16 of the export regulations.

V. During the time when any respondent or other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with a respondent or other person denied export privileges within the scope of this order, or whereby any such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, re-exportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective March 18, 1965.

Dated: March 11, 1965.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 65-2824; Filed, Mar. 18, 1965;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY INDUSTRIAL CHEMICALS, DIVISION OF GEIGY CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Disodium Ethylenediaminetetraacetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 5C1623) has been filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., proposing the issuance of a regulation to provide for the safe use of disodium ethylenediaminetetraacetate as a stabilizer of color of canned dog food containing a distinct whole egg component.

Dated: March 15, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-2838; Filed, Mar. 18, 1965;
8:48 a.m.]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additive *n*-Heptyl *p*-Hydroxybenzoate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 5H1654) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va., 22046, on behalf of Washine Chemical Corp., Lodi, N.J., proposing the issuance of a regulation to provide for the safe use of *n*-heptyl *p*-hydroxybenzoate in amounts not to ex-

ceed 12 parts per million to inhibit the microbiological spoilage of beer as defined by the Internal Revenue Service.

Dated: March 15, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-2839; Filed, Mar. 18, 1965;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-230]

GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the Federal Register on October 29, 1964 (29 F.R. 14759), the Atomic Energy Commission has issued License No. XR-56 to General Atomic Division of General Dynamics Corp., authorizing export of a 250 kilowatt TRIGA Mark II research reactor to the University of Pavia, Pavia, Italy. The export of this reactor to Italy is within the purview of the present Agreement for Cooperation between the Governments of the United States of America and Italy.

Dated at Bethesda, Md., this 12th day of March 1965.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State
and License Relations.

[F.R. Doc. 65-2793; Filed, Mar. 18, 1965;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 9262]

ALASKA COASTAL-ELLIS AIR LINES

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Wednesday, March 24, 1965, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following: Do the public convenience and necessity require and should the Board order the amendment of Alaska Coastal-Ellis' certificate of public convenience and necessity so as to authorize the transportation of mail between Ketchikan, Alaska, on the one hand, and Prince Rupert, British Columbia, Canada, on the other, and, if so, what limitations, if any, should be imposed with respect to the duration and/or scope of such authority?

For further details of the issues involved in this proceeding, interested per-

sons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., March 15, 1965.

[SEAL]

MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 65-2796; Filed, Mar. 18, 1965;
8:45 a.m.]

[Docket 14148; Order No. E-21905]

CHARTER TRIPS AND SPECIAL SERVICES

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March 1965.

In ER-419, September 18, 1964, 29 F.R. 13246, the Board adopted amendments to Part 207 of its economic regulations. For present purposes, the most pertinent amendments were those which (1) reduced the annual volume of off-route charters authorized for combination carriers and all-cargo carriers from the previous 10 percent of annual on-route revenue miles to 2 percent of such mileage (at the same time, it was recognized that a greater volume might be appropriate for Trans Caribbean Airways, Inc. (Trans Caribbean) and Mackey Airlines, Inc. (Mackey), in view of these carriers' limited route systems and their history of performing civil off-route charters at an annual volume in excess of 2 percent); (2) authorized the all-cargo carriers to perform an unlimited volume of off-route cargo charters within the geographical area of their certificated operations; (3) eliminated the previous "first refusal" rights under which a carrier wishing to operate an off-route charter over the foreign or overseas certificated route of another carrier was required to obtain either permission from the certificated carrier or authorization from the Board; and (4) eliminated the previous restriction against regular and frequent off-route charters over the routes of a certificated carrier. In ER-419, the Board also refused to adopt first refusal rights in favor of supplemental and all-cargo carriers, and the Board denied a motion to consolidate a petition seeking amendment of the Regulations governing off-route charters by foreign air carriers (Part 212).

Petitions for reconsideration of ER-419 have been filed by combination carriers,¹ by local service carrier,² and by supplemental carriers.³ A number of answers supporting or opposing these peti-

¹ Pan American World Airways, Inc. (Pan American); Trans World Airlines, Inc. (TWA); Trans Caribbean Airways, Inc.; Mackey Airlines, Inc.

² Allegheny Airlines, Inc.; Ozark Air Lines, Inc. and Trans-Texas Airways, Inc. (joint petition).

³ Capitol Airways, Inc. (Capitol) and Saturn Airways, Inc. (Saturn) (joint petition); AAXICO Airlines, Inc. (AAXICO) and World Airways, Inc. (World) (joint petition).

tions have also been filed.* Upon consideration of the matters presented, we have determined that, with one exception to be discussed below, no revision of ER-419 is warranted or required.

Before dealing with the arguments advanced for reconsideration of ER-419, we wish to note our disposition of two requests which were contained in petitions for reconsideration of ER-419, but which go beyond the scope of the Part 207 proceeding. In their joint petition for reconsideration, AAXICO Airlines, Inc. and World Airways, Inc. asked the Board to arrange a conference of top level representatives from the supplementals, the Board and the Department of Defense to consider ways and means of enlarging the civilian charter revenues of the supplementals in light of the announced fiscal 1966 MATS procurement standard that 30 percent of revenues must be derived from nonmilitary sources. Northwest Airlines, Inc., opposes such a conference. We do not consider this request to be properly within the scope of Docket 14148 and it will not be granted at this time. Secondly, Trans Caribbean's petition for reconsideration contains an application for an exemption from the volume limitation of Part 207 for off-route passenger charters within Trans Caribbean's geographical area of operations. This application will be granted separately in Order E-21906 issued contemporaneously herewith.

Turning now to the petitions for reconsideration, many of the contentions therein are substantially similar to contentions previously presented to the Board. In the comments which the Board considered before promulgating ER-419 it was argued that it would be unlawful for the Board to grant different off-route charter rights to all-cargo and combination carriers; that it would be unlawful for the Board to reduce the volume of off-route charters without affording the carriers an evidentiary hearing; and that the Board should grant first refusal rights to supplemental carriers. The allegations now made in support of these contentions add little to the previous arguments. None of the new allegations dispose us to change our adopted position.

We also find unpersuasive the argument of Pan American World Airways, Inc. (Pan American) that we should reconsider our refusal to consolidate Pan American's petition for rule making, Docket 15070. In that petition, Pan American requested that Part 212 of the

Board's economic regulations, which regulates off-route charter trips by foreign air carriers, be amended in the light of any amendments to Part 207. Although we refused to consolidate the two proceedings, we did state that Part 212 would be administered to assure comparable treatment of United States and foreign air carriers in operating off-route charters, and that accordingly, in processing applications by foreign air carriers for off-route charter authority we would, "be guided by the volume limitations contained in amended Part 207."

At first blush, our action in ER-419 would appear to have granted the relief sought by Pan American in the petition it wished to have consolidated. However, Pan American now asks us to reconsider and to consolidate the two proceedings, deferring the effectiveness of the volume limitations of Part 207. Pan American sets forth two grounds for dissatisfaction with our statement that new volume limitations will be applied when we pass upon applications by foreign air carriers for off-route charter authority. Pan American first contends that it will be impossible for the Board to apply a volume limitation to off-route charters by foreign air carriers, since the limit on off-route charters is a percentage of on-route mileage, and foreign air carriers do not report their on-route mileage to the Board. Pan American further argues that the change in Part 212 standards constitutes an amendment of the foreign air carriers' permits and that this amendment is unlawful unless the carriers are granted evidentiary hearings.

We do not foresee any insurmountable difficulty in establishing an on-route total mileage figure for purposes of calculating the amount of allowable off-route activity. An on-route figure could be obtained by calculations from the foreign air carriers' schedules. If actual mileage was more or less than this amount, proof of this fact could be furnished by a foreign air carrier or by its competitors.

Nor do we believe that the change in applicable volume limitations constitutes an amendment of foreign air carrier permits. An examination of the pertinent foreign air carrier permits, and of the regulations incorporated by reference therein, will disclose that the permits alone grant no authority to perform specific off-route charters. Rather, carriers wishing to operate off-route charter trips must obtain authority for each trip in the form of a "Statement of Authorization." This authorization will not be granted unless the Board finds that the charter is in the public interest, and it is in this connection that volume limitations on off-route activity are imposed. Thus the change in the volume limitations is only a change in the standards which the Board intends to apply

in passing upon future applications for additional authority. There has been no legal modification of existing permit authority.

The petitioning local service carriers urge that the 2-percent limitation on off-route charters should be made inapplicable to local service carriers. In support of this contention it is first alleged that in 1965 the off-route charter business of at least one local service carrier (Allegheny Airlines, Inc.) would exceed the 2-percent limitation. It is further urged that the 2-percent limitation on local service carriers will not benefit supplemental carriers since supplementals and locals use different equipment and do not compete for the same traffic. Finally it is contended that the local service carriers should be free to develop charter revenues so that they will be able to soften the impact of recent subsidy reductions.

It is our belief that local service carriers should concentrate on their certificated routes, and we remain convinced that a 2-percent limitation is required to insure that there will not be undue emphasis on off-route activities. Moreover, we adhere to our previous position that off-route charters by the locals in excess of the 2-percent limitation would impair a market which could be served by supplemental carriers. We do not agree with the statement in the local service carriers' petition that "the supplementals do not even have equipment which is designed to provide service comparable to that being operated by the local service carriers." It is true that the locals rely almost exclusively on two-engine equipment with capacities of approximately 25 to 50 passengers, and that the supplementals operate a considerable amount of larger equipment. However, many supplementals operate two-engine equipment and some supplementals rely primarily on smaller aircraft. Accordingly an undue expansion of off-route charter activity by local service carriers might have an impact on supplemental carriers. In view of the foregoing, we will not rescind the 2-percent limitation insofar as it applies to the local service carriers.

Finally, we have been asked to reconsider our decision to delete the former restrictions in Part 207 on off-route charters over certificated routes. The first deleted restriction was former § 207.8, which provided that a carrier wishing to perform an off-route charter on the foreign or overseas route of a certificated carrier was required to obtain either written consent from the certificated carrier or specific authority from the Board. The second deleted restriction was former § 207.7, the prohibition against frequent and regular off-route charters over certificated routes. Capitol and Saturn (joint petition) ask us to reinstate the first refusal provision alleging that if the first refusal rights of such carriers as Pan American and TWA are not reinstated, other carriers (e.g., Eastern Air Lines, Inc. and National Airlines, Inc.) could embark on large scale off-route transatlantic charter programs with resulting injury to the certificated operations of Capitol and

* Answers opposing the petition of AAXICO and World were filed by United Airlines, Inc., Northwest Airlines, Inc. and Trans World Airlines, Inc. An answer opposing the petition of AAXICO et al., Capitol et al. and Mackey was filed by Trans Caribbean Airways, Inc. An answer supporting the joint petition of the local service carriers was filed by North Central Airlines, Inc.

The comments on this issue were extensive. As stated in ER-419, "a major portion of the comments filed were concerned with the (first refusal) proposals, and, except for the filings of the supplementals, almost all interested parties participating in the rule making proceeding, including the public parties, indicated their opposition to the adoption of first refusal requirements."

* See §§ 212.4 and 212.5 of the Board's economic regulations. Section 212.6(b) expressly provides that in passing upon the public interest requirement the Board will consider "whether the foreign air carrier has previously conducted similar flights on a regular and frequent basis in relation to the regularity and frequency of its on-route charter, scheduled, and non-scheduled operations."

Saturn. Mackey also asks us to reconsider the deletion of the first refusal provision alleging that in the past Mackey frequently exercised its first refusal rights and thus prevented other carriers from operating off-route charters over Mackey's foreign routes (Mackey alleges that the disappointed carriers rarely appealed to the Board). Mackey predicts that if it does not have first refusal rights, other carriers will embark on large scale off-route charter programs over Mackey's routes between Florida and the Bahamas.¹ Alternatively, Mackey's petition requests the Board to reinstate the former section 207 restriction against frequent and regular charters over certificated routes.

On the basis of these allegations, and of other pertinent facts which have recently come to our attention, we have determined that there is danger that off-route charter activity in certain markets may develop to a significant volume and might reach a level which would have an unduly severe competitive impact upon certificated operations. The pertinent facts and the reason for our concern are detailed in EDR-81, a notice of proposed rule making issued contemporaneously herewith. In that notice we propose to reinstate the former frequency and regularity restrictions on off-route charters, subject to certain modifications in the light of present conditions.

We believe that the proposed action detailed in EDR-81 would furnish certificated operations with protection equivalent to that which would result from a system of first refusal rights with appeals to the Board. As between the two types of restriction we prefer the frequency and regularity restriction because it tends to place lighter burdens on the Board and industry, to subject the plans of the carriers and the traveling public to fewer uncertainties,² and to lead to less Board involvement in the minutiae of day-to-day business activities.

Accordingly, it is ordered, That, except as otherwise indicated hereinbefore, the petitions for reconsideration of the Board's decision in this proceeding be, and they hereby are, denied.

This order will be published in the **FEDERAL REGISTER**.

¹ Mackey also asks for reinstatement of former § 207.10 which extended the first refusal prohibition to "Part-way carriage of through traffic subject to [former § 207.8]." However, Mackey does not show that this provision was significant in the past, or that the provision is required for the future.

² Such burdens and uncertainties are particularly unnecessary to the extent that appeals to the Board from the exercise of first refusal rights would be successful. In the past the Board granted authority in cases in which the petitioning carrier was not engaging in regular and frequent operations between the points concerned. Similarly, the proposal in EDR-81 does not contemplate a complete ban on off-route charters over any routes.

By the Civil Aeronautics Board.³

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 65-2841; Filed, Mar. 18, 1965;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15668 etc.; FCC 65R-89]

CHICAGOLAND TV CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Ill., Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station.

1. The Review Board has before it for consideration a petition to enlarge issues, filed December 10, 1964, by Chicagoland TV Co. (Chicagoland), seeking to add the following issues:¹

(a) To determine whether Chicago Federation of Labor and Industrial Union Council is legally qualified to construct and operate a television station.

(b) To determine whether a grant of the application of the Chicago Federation of Labor and Industrial Union Council would be consistent with the provisions of section 310(a) (4) of the Communications Act of 1934, as amended.

(c) To determine whether the Chicago Federation of Labor and Industrial Union Council is financially qualified to construct and operate the proposed television station.

(d) To determine whether a grant of the application of the Chicago Federation of Labor and Industrial Union Council would be consistent with the provisions of § 73.636 of the Commission's rules.

2. Before discussing the merits of this petition the Board will consider the additional pleadings filed as a result of the

¹ Pleadings before the Board include: (1) Petition to enlarge issues, filed December 10, 1964, by Chicagoland TV Co. (Chicagoland); (2) Comments, filed Jan. 7, 1965, by the Broadcast Bureau; (3) Opposition, filed Jan. 7, 1965, by Chicago Federation of Labor and Industrial Union Council (Federation); (4) Reply, filed Jan. 19, 1965, by Chicagoland; (5) Reply to (2), filed Jan. 19, 1965, by the Federation; (6) Petition for leave to file response to (5), filed Jan. 27, 1965, by Chicagoland; (7) Response to (5), filed Jan. 27, 1965, by Chicagoland; (8) Motion to strike (5), filed Jan. 27, 1965, by Chicagoland; and (9) Opposition to motion to strike, filed Feb. 8, 1965, by Federation.

² Concurring and dissenting opinions of Members Gurney and Gilliland filed as part of original document.

Broadcast Bureau's comments.² On the last permissible day, January 7, 1965, the Federation filed its opposition pleading to Chicagoland's petition to enlarge issues. On the same day the Broadcast Bureau filed the comments alleging, among other things, new matter, not cited by Chicagoland in its petition, i.e., that the information on file with the Commission relative to the citizenship of Morris Bialis, a member of the Federation's Executive Board, was insufficient to prove that he is a United States citizen. The Federation filed a reply to the Bureau's comments on January 19, 1965, in which it pointed out that on October 28, 1964, it had filed an amendment to its application showing that Morris Bialis was naturalized May 4, 1923, in Superior Court, Cook County, Ill., Certificate No. 279.2012. The Board will accept the Federation's reply to the extent that it answers the new matter raised by the Bureau. The remainder of this reply will be stricken as unauthorized by § 1.45 of the Commission's rules. A petition for leave to file a response to the Federation reply to Bureau's comments, and a response, were filed by Chicagoland on January 28, 1965. On the same date Chicagoland also filed a motion to strike the Federation's January 7, reply. As Chicagoland's response is not directed toward the new matter raised by the Bureau, the Board will deny Chicagoland's petition for leave to file a response and will not accept the response. In view of our disposition of the Federation's January 7, reply, Chicagoland's motion to strike, and the opposition thereto filed by the Federation, on February 8, 1965, will be dismissed as moot.

LEGAL QUALIFICATIONS ISSUE

3. Chicagoland requests that an issue be added to determine whether the Federation possesses the requisite legal qualifications to be a licensee of the Commission. Petitioner contends that the Federation does not possess in its constitution authority to operate a television station. In addition, petitioner asserts, the Federation cannot fulfill both the objects and principles stated in its constitution and its obligation to serve the public interest as a licensee of the Commission. The latter assertion is based on the theory that as a licensee the Federation must fairly present viewpoints opposed to labor; events that may reflect discredit on the labor movements; and give unbiased coverage to the activities of management and government.³ Chicagoland further contends that the Federation's president lacked authority to

³ Items (5), (6), (7), (8), and (9) listed in Note 1. Under § 1.21 of the rules, the Broadcast Bureau is a party to every appropriate adjudicatory proceeding. By Memorandum Opinion and Order in *Musical Heights, Inc.*, FCC 58-1094, 17 RR 1101, the Commission held that comments filed by a party within the 10-day period for oppositions without Commission authorization or request did not contravene the limitations imposed by § 1.45 of the rules.

file the application for Channel 38 because that action required the unanimous approval of the membership, which has not been demonstrated. Therefore, petitioner argues, the Federation's application is the result of an ultra vires act and consequently a nullity.

4. In opposition the Federation alleges that it and its predecessor have been licensees of the Commission continually since 1926; that its constitution contemplates the operation of WCFL and other stations; that its license has been consistently renewed by the Commission at the close of each license period; that the executive board of the Federation, which is empowered by the constitution to interpret the constitution, approved by the president's filing of this application on October 20, 1964; and that the decision to file an application for Channel 38, was approved by the delegate membership at a special meeting held on October 27, 1964.

5. The Review Board can find no support for petitioner's suggestion that the Federation would be unable to fulfill its own objectives and operate in the public interest if its application were granted. As noted in the Broadcast Bureau's comments, there has been no demonstration or allegation that the Federation's radio station, WCFL, has failed to operate in the public interest in the 39 years of its existence and no indication that any individual union member has ever voiced dissatisfaction with its operation. In this respect it is noteworthy that the Commission renewed the license of WCFL on November 16, 1964. Nor can we find merit in petitioner's assertion that the Federation's constitution fails to grant the applicant legal capacity to own and operate a television station. Article IV, section 3(D) of the Federation's constitution provides in part:

The president and the secretary-treasurer shall be responsible for the filing of financial and other reports with the Federal Communications Commission in connection with WCFL and such other stations as this organization may decide to operate.

The question, then, is whether the television station proposed by the Federation is encompassed by the terms "such other stations as [the Federation] may decide to operate." That "such other stations" includes television as well as radio (aerial) stations is an interpretation of the constitution to be made in the first instance by the Executive Board of the Federation. On October 20, 1964, the Executive Board approved the filing of the subject application. In the event any further procedural question remains as to the Federation's decision to operate a television station, we note that on October 27, 1964, at a special meeting, the delegate membership of the Federation voted unanimously to adopt the minutes of the Executive Board meeting of October 20, 1964. From the above, it is clear that no substantial question has been raised concerning the legal capacity of the Federation to operate a television station or the procedure followed by the

Federation in filing the subject application.

CITIZENSHIP ISSUE

6. There is no Federation requirement that a member of a local union which is part of the Federation be a United States citizen; thus, Chicagoland asserts, an issue is necessary to determine if the Federation complies with section 310(a) (4) of the Communications Act of 1934, as amended.⁴ Petitioner contends that information on file with the Commission indicates only that the officers and members of the Executive Board are citizens, but makes no showing as to the nationality of the locals' delegates to the Federation or the membership composition of these local unions. The Broadcast Bureau, in supporting addition of this issue, states that the citizenship of one member of the Executive Board is questionable.⁵ Chicagoland requests that the Federation be required to demonstrate the United States citizenship of all the members of the local unions comprising it; the Bureau suggests that the Federation's showing must at least prove the citizenship of the local unions' delegates to the Federation.

7. The Federation, in opposition, states that each officer and member of the Executive Board is a United States citizen and that only local unions are members of the Federation (individual members of those unions are not). Therefore, the Federation claims, it should not be required to ascertain the nationality of "hundreds of thousands" of local union members. The Federation also argues that no citizenship issue should be added in the absence of a prima facie showing of "foreign influence" by the petitioner.

8. It is well settled that an unincorporated association must comply with the requirements of section 310(a) (4). Kansas City Broadcasting Co., Inc., 5 RR 1057 (1952). In its opposition pleading the Federation makes no attempt to demonstrate the percentage of U.S. citizenship among the members of the local unions comprising Federation or among the local union delegates to the Federation.⁶ Due to the Federation's failure to properly demonstrate compliance with section 310(a) (4) of the Communications Act, the Board will add

⁴Section 310(a) of the Communications Act: "The station license required hereby shall not be granted to or held by . . . (4) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country."

⁵The question of the citizenship of this Executive Board member, Morris Bialis, is the new matter to which we referred in paragraph 2, supra. On the basis of the information contained in the Federation's October 28, 1964, amendment, no question as to his citizenship remains.

⁶In an unauthorized reply to the comments of the Broadcast Bureau, the Federation attempted to introduce the incomplete results of a citizenship survey taken among the local union delegates. See footnotes 1 and 2, supra.

a citizenship issue. Whether the Federation must show the citizenship of all members of the local unions, or, as it contends, only the local union delegates, is encompassed within the section 310(a) (4) issue which is being added; the allegations and counter-allegations made by the parties do not permit a determination of this question on the basis of the pleadings before us.

FINANCIAL QUALIFICATION ISSUE

9. The following facts are undisputed: (a) The Federation's approximate cash requirement for construction and 3 months' operation on Channel 38, is \$2,053,033; (b) the Federation has obtained a properly evidenced loan commitment from the Chicago National Bank in the sum of \$1,250,000 addressed to William A. Lee, President; (c) the Federation has also arranged for deferred credit from the manufacturer for the purchase of equipment in the amount of \$1,012,500; and (d) the Federation is presently involved in a legal contest with the Internal Revenue Service over whether it must pay taxes on profits of WCFL in the amount of \$485,784.

10. Chicagoland asserts that the \$1,250,000 loan should not be included in computing the Federation's financial ability as its constitution does not authorize the President or the Executive Board to borrow money for any business purposes. For the same reason petitioner contends that the \$1,012,500 deferred credit is similarly not applicable for purposes of demonstrating the Federation's financial qualification. Chicagoland argues further that the Federation's balance sheet does not reflect a contingency fund for the possible \$485,784 tax judgment. Petitioner contends that without the two sources of credit (Chicago National Bank and the equipment manufacturer) and with the possibility of a tax judgment, the Federation is not financially qualified to construct and operate a UHF television facility.

11. The Federation, in opposition, claims that it proposes to use funds in a manner provided for by its constitution, namely, the operation of additional broadcast facilities. The Federation asserts that the Executive Board, which is empowered to interpret the constitution, and the membership have approved the filing of the Federation's application for Channel 38 and the incidents thereto, including the obtaining of credit from Chicago National Bank and the equipment manufacturer. Further assertions are made that the Federation is a legal entity with capacity to sue and be sued and therefore has legal capacity to borrow money and enter into a deferred credit agreement. Moreover, the Federation contends arguendo that if there has been a breach of fiduciary duty on the part of the Federation's officers, the proper redress is through the Secretary of Labor under the National Labor Relations Act and not through a petition to enlarge issues. The Federation also states that it has net current assets of over \$1 million in addition to any loan commitments and that if a tax judgment is obtained against the Federation there

⁷See Article V, section 6 of the constitution of the Federation.

are sufficient assets reflected in the balance sheet attached to its application to satisfy the judgment without impairing the financial ability of the Federation to construct and operate the proposed facility.

12. Chicagoland's request for this issue will be denied as no showing has been made which would prompt the Board to question the financial qualifications of the Federation. The notation on the Federation's balance sheet showing the existence of the contingent liability to the IRS is fully in accord with accepted accounting procedures. In addition, the properly evidenced bank loan and deferred credit agreement adequately demonstrate that the Federation has ample funds to effectuate its proposal. In considering the addition of a financial qualifications issue the Board seeks to determine whether there is assurance that adequate funds are available to the applicant. In the absence of evidence indicating that the Chicago National Bank or the equipment manufacturer questions the Federation's capacity to incur debt and as these entities appear to be willing to extend credit, the Board will not question the Federation's financial qualifications. See Tri-Cities Broadcasting Co., FCC 65R-48, released February 4, 1965; Springfield Television Broadcasting Corp., FCC 64R-243, 2 RR 2d 843; and Massillon Broadcasting Co., Inc., FCC 61-1164, 22 RR 218. The Federation's credit arrangements, together with its net current assets, are sufficient to meet its construction costs and initial operating expenses. Finally, we can find no merit in the argument that the Federation's officers and its Executive Board cannot incur a debt in the absence of specific constitutional authority. We have already concluded that the officers and Executive Board were authorized by the delegate membership to file the subject application. That authority would be meaningless in the absence of concurrent authority to take such actions as are necessary to the successful prosecution of the application, including obtaining financial backing. The petitioner does not cite, nor are we aware of any law which prohibits an unincorporated association, such as the Federation, from incurring a debt for the purpose of implementing a declared objective of the association.

MULTIPLE INTEREST AND CONTROL ISSUE

13. Chicagoland contends that the Federation's application violates the intent of § 73.636(a)(2) of the Commission's rules. Petitioner states that one officer and two members of the Executive Board of the Federation are members of local unions which "are or could be representative of many of the employees of competing television and radio stations in the city of Chicago"; and thus the local unions constituting the Federation have a direct interest in the operation of and an indirect control over competing stations. Such control must be imputed to the Federation, argues the petitioner. Chicagoland further asserts that in the past labor unions have claimed a direct interest in the operation of broadcast stations to justify their intervention in

opposition to applications for transfer of control or assignment which affect their right to represent station employees. Therefore, petitioner claims, the Federation should be held to have a direct interest in competing stations for purposes of § 73.636. As authority for its request Chicagoland cites the Commission letter to Shenandoah Life Insurance Co., 19 RR 1 (1959) and the Commission's Memorandum Opinion and Order in B. J. Parrish, FCC 58-650, 17 RR 482 (1958).

14. In opposing addition of a concentration of control issue the Federation states that as licensee of WCFL it has never been accused of using its position to the detriment of competing stations; it is not the representative of any group of employees and has no authority to call a strike or slowdown or to request disclosure of any information by the employees of a competing station; and the petitioner has also failed to allege that any party to the Federation's application has an interest in or is an officer or director of any other television station. The Broadcast Bureau also makes the last point. The Federation contends that no factual showing has been made which warrants the addition of an issue. In recommending the denial of this issue the Bureau states that petitioner has filed no affidavit supporting its request, as required by § 1.229 of the Commission's rules.

15. Chicagoland alludes to the "power" of the Federation to inflict harm on competing television stations through its influence on the individual members of local unions which constitute the Federation, but has offered neither affidavits nor concrete factual allegations to support this charge. Chicagoland's contention that representative unions are permitted to intervene in transfer of control and assignment proceedings and that the Federation therefore exercises direct and/or indirect control over competing stations in contravention of § 73.636 of the rules is concluded to be without merit. Under § 1.223 of the rules, any person who has a sufficient interest in the proceeding and will assist the Commission in the determination of the issues is permitted to intervene as a party and file pleadings. The intervention to which Chicagoland has attempted to analogize the present circumstance is far different from the "control" prohibited by § 73.636 of the rules. Chicagoland

In its reply, Chicagoland claims that it has recently been the victim of the "Federation's power" during its unsuccessful attempt to lease a superior transmitter site. Section 1.45(b) of the Commission's rules limits replies to "matters raised in the oppositions * * *". Therefore, this new matter alleged in Chicagoland's reply will be disregarded. This same allegation was subsequently made by Chicagoland in a second petition to enlarge, filed on Jan. 19, 1965, which will be considered by the Board in due course.

The cases urged by Chicagoland as supporting the addition of this issue are not in point. In Shenandoah Life Insurance Co., supra, the Commission refused to grant a waiver of the multiple ownership rules to approve one individual serving as a director of a bank, which in its capacity as a trustee con-

has advanced a novel theory, but has failed to present any allegations of fact upon which the Board can add an issue.

Accordingly, it is ordered, This 12th day of March 1965, that the petition to enlarge issues, filed December 10, 1964, by Chicagoland TV Co., is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following:

To determine whether the grant of the application of the Chicago Federation of Labor and Industrial Union Council, would be consistent with the provisions of section 310(a) (4) of the Communications Act of 1934, as amended; and

It is further ordered, That the reply to the Bureau's comments, filed January 19, 1965, by Chicago Federation of Labor and Industrial Union Council is stricken, except to the extent reflected in this opinion; and

It is further ordered, That the petition for leave to file a response to the reply to the comments of the Broadcast Bureau, filed by Chicagoland TV Co., on January 27, 1965; the motion to strike the reply to the comments of the Broadcast Bureau, filed by Chicagoland TV Co., on January 27, 1965; and the opposition to the motion to strike the reply to the comments of the Broadcast Bureau, filed by the Chicago Federation of Labor and Industrial Union Council, on February 8, 1965, are dismissed as moot.

Released: March 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2826; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket No. 14293; FCC 65-187]

DOWNRIVER BROADCASTING ASSN.

Order Designating Application for Hearing on Stated Issues

In re application of Robert R. Groth, Eugene A. Robinson, and Rev. Lawrence Kenneth Zank, doing business as The Downriver Broadcasting Assn., Napoleon, Ohio, Docket No. 14293, File No. BP-15412; requests: 1010 kc, 250 w, DA-Day, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of March 1965:

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

controlled broadcast facilities competitive with other broadcast facilities controlled by a second corporation in which the same individual was a director. In B. J. Parrish, supra, the sales manager of one station was not permitted to acquire an equitable interest in another station which served substantially the same area.

* Board Member Nelson not participating.

It further appearing, that, the applicant proposes to utilize a directional antenna to suppress the radiation to a value as low as 3.6 mv/m (MEOV); that photographs submitted with the application indicate structures exist in the vicinity of the antenna site which may result in re-radiation; that ambient co-channel signals from Station CFRB, Toronto, Ontario, Canada may adversely affect the accuracy of field intensity measurements which would be required for a proof-of-performance on the proposed antenna system; that no evidence has been submitted in the form of a field intensity site survey (non-directional and directional measurements made from a test installation at the proposed site) which would permit a determination regarding the extent of signal scatter and re-radiation which may occur; and, that as a result it cannot be determined whether the directional antenna system can be adjusted and maintained within the proposed limits of radiation; and

It further appearing, that, according to data submitted by the applicant the proposed operation would cause co-channel interference to the existing operations of Station WITL, Lansing, Mich., involving a population loss of 1,240 persons and of Station WCSI, Columbus, Ind., involving a population loss of 3,179 persons; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.
2. To determine whether the proposed operation would cause objectionable interference to Stations WITL and WCSI, Lansing, Mich., and Columbus, Ind., respectively, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
3. To determine whether the proposed directional antenna system can be adjusted and maintained within the maximum expected operating values of radiation, as proposed.
4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, Metropolitan Radio Corp. and White River Broadcasting Co., Inc., licensees of Stations WITL and WCSI, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein, shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 12, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2827; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket No. 14293; FCC 65M-304]

DOWNRIVER BROADCASTING ASSN.

Order Scheduling Hearing

In re application of Robert R. Groth, Eugene A. Robinson, and Rev. Lawrence Kenneth Zank, doing business as The Downriver Broadcasting Assn., Napoleon, Ohio, Docket No. 14293, File No. BP-15412; for construction permit.

It is ordered, This 15th day of March 1965, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on May 4, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on April 5, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2828; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket Nos. 15875, 15876; FCC 65M-300]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Order Scheduling Hearing

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15875, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15876, File No. BPCT-3479; for construction permit for new television broadcast station (Channel 72).

* Commissioners Hyde and Bartley absent.

It is ordered, This 15th day of March 1965, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on May 12, 1965; and that a prehearing conference shall be convened at 10:00 a.m. on April 8, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2829; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket Nos. 15872-15874; FCC 65M-301]

NORTHLAND TELEVISION CORP. ET AL.

Order Scheduling Hearing

In re applications of Northland Television Corp., Duluth, Minn., Docket No. 15872, File No. BPCT-3359; Central Minnesota Television Co., Duluth, Minn., Docket No. 15873, File No. BPCT-3386; Channel 10, Inc., Duluth, Minn., Docket No. 15874, File No. BPCT-3404; for construction permit for new television broadcast station (Channel 10).

It is ordered, This 15th day of March 1965, that David I. Kraushaar shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on May 17, 1965; and that a prehearing conference shall be convened at 10:00 a.m. on April 7, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 15, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2830; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket Nos. 15870, 15871; FCC 65M-302]

PIONEER STATES BROADCASTERS, INC. (WBZY) AND SOUTHTON BROADCASTERS

Order Scheduling Hearing

In re applications of Pioneer States Broadcasters, Inc. (WBZY), Torrington, Conn., Docket No. 15870, File No. BR-1843; for renewal of license; Fitzgerald C. Smith tr/as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP-16405; for construction permit.

It is ordered, This 15th day of March 1965, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10:00 a.m. on May 17, 1965, in Torrington, Conn.: And it is further ordered, That a prehearing conference in the proceeding will be convened by

the presiding officer at 10:00 a.m., April 9, 1965, in Washington, D.C.

Released: March 15, 1965.

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

[F.R. Doc. 65-2831; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket No. 15714; FCC 65M-305]

TRINITY BROADCASTING CO.

Order Scheduling Hearing

In re application of Trinity Broadcasting Co., Fort Worth, Tex., Docket No. 15714, File No. BPCT-3172; for construction permit for new television broadcast station (Channel 20).

A prehearing conference having been held on March 15, 1965, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order:

It is ordered, This 15th day of March 1965, that:

(1) The direct case of Trinity Broadcasting Co. shall be presented entirely in the form of sworn written exhibits;

(2) Copies of the Trinity Exhibits shall be served on the Broadcast Bureau and the Hearing Examiner on or before April 20, 1965, provided that such exhibits may be amended on or before May 11, 1965, by which date copies of the said exhibits in final form shall be served on the Broadcast Bureau and the Hearing Examiner;

(3) In the event the Broadcast Bureau wishes to call for cross-examination any witness sponsoring any of Trinity's exhibits, it shall give notification thereof on or before May 14, 1965; and,

It is further ordered, That hearing herein shall commence on May 24, 1965, at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: March 15, 1965.

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

[F.R. Doc. 65-2832; Filed, Mar. 18, 1965;
8:47 a.m.]

[Docket Nos. 15868, 15869; FCC 65M-299]

WFLI, INC. (WFLI) AND NEWHOUSE BROADCASTING CORP. (WAPI)

Order Scheduling Hearing

In re applications of WFLI, Inc. (WFLI), Lookout Mountain, Tenn., Docket No. 15868; File No. BMP-8439; Newhouse Broadcasting Corp. (WAPI), Birmingham, Alabama, Docket No. 15869; File No. BP-15259; for construction permits.

It is ordered, This 15th day of March 1965, that H. Gifford Irion shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10:00 a.m. on May 3, 1965; and that a prehearing conference shall be convened at 9:00 a.m. on April

7, 1965; and it is further ordered That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: March 15, 1965.

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

[F.R. Doc. 65-2833; Filed, Mar. 18, 1965;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

BARBER-WILHELMSSEN LINE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 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. John C. de Roos, Barber Steamship Lines, Inc., Sheraton-Whitehall Building, 17 Battery Place, New York, N.Y. 10004.

Agreement 8503-1, between the carriers comprising the Barber-Wilhelmsen Line joint service (operating pursuant to approved joint service agreement 7589, as amended) and Sea-Land Service, Inc., modifies approved Agreement 8503, which covers a through billing arrangement in the trade from the Far East (Japan, Hong Kong, and Philippine Islands) to Puerto Rico, with transshipment at New York, N.Y. The purpose of the modification is to (1) substitute the carriers currently comprising the Barber-Wilhelmsen Line joint service (Agreement 7589, as amended) as parties to Agreement 8503, in place of the carriers formerly operating as the Barber-Wilhelmsen joint service, as provided by Agreement 7749, as amended, (2) change the name of Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc. to Sea-Land Service, Inc. wherever it appears in the Agreement, and (3) include a provision that any modification to the Agreement shall not be effective or implemented prior to approval by the governmental agency charged with the administration of section 15 of the Shipping Act, 1916, as amended.

Dated: March 16, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 65-2821; Filed, Mar. 18, 1965;
8:46 a.m.]

PACIFIC FAR EAST LINE, INC., AND CHINA NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. J. F. McCone, Pacific Far East Line, Inc., 141 Battery Street, San Francisco, Calif., 94111.

Agreement 9432, between Pacific Far East Line, Inc., and the China Navigation Co., Ltd., covers the transportation of cargo under through bills of lading between ports of call of the China Navigation Co., Ltd., in New Guinea and ports of call of Pacific Far East Line, Inc., on the Pacific Coast of the United States with transshipment at Hong Kong, B.C.C., under terms and conditions set forth in said agreement.

Dated: March 15, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 65-2822; Filed, Mar. 18, 1965;
8:46 a.m.]

SACRAMENTO-YOLO PORT DISTRICT AND CARGILL OF CALIFORNIA, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the

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

Notice of agreement filed for approval by:

Port of Sacramento, P.O. Box 815, West Sacramento, Calif., 95691.

Agreement No. T-1771, between Sacramento-Yolo Port District (Sacramento) and Cargill of California, Inc. (Cargill), provides for the establishment of a single service and facilities charge of 25 cents per short ton, to be levied on all bulk commodities delivered to deep sea vessels from the grain elevator leased to Cargill by Sacramento. A portion of the charge to be imposed by Cargill will be paid by Cargill to Sacramento for such service and facilities as are provided by Sacramento.

Dated: March 16, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-2823; Filed, Mar. 18, 1965;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65-537 etc.]

PUBCO PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

MARCH 11, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter

upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 28, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in Docket Nos.
									Rate in effect	Proposed increased rate	
RI65-537	Pubco Petroleum Corp. (Operator), et al., Post Office Box 1419, Albuquerque, N. Mex., 87103, Attn: Mr. Frank D. Gorman, Jr.	8	11	Southern Union Gathering Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	\$578	2-15-65	* 4-1-65	9-1-65	13.0	** 14.2693	
RI65-538	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al., Post Office Box 2129, Houston, Tex., 77001.	12	8	El Paso Natural Gas Co. (Perkins Plant, Coke County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	20,412	2-16-65	* 3-19-65	8-19-65	18.0	* 18.2430	RI65-62.
RI65-539	Union Texas Petroleum, a division of Allied Chemical Corp.	64	15	El Paso Natural Gas Co. (Benedum Plant, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	9,720	2-16-65	* 3-19-65	8-19-65	18.0	* 18.2430	RI65-63.
RI65-540	Soco Mobil Oil Co., Inc. (Operator), 150 East 42d St., New York, N.Y., 10017, Attn: H. H. Beeson.	48	20	El Paso Natural Gas Co. (Pegasus Field, Midland and Upton Counties, Tex.) (R.R. Districts Nos. 8 and 7-C) (Permian Basin Area).	3,390	2-18-65	* 3-21-65	8-21-65	10.0000	** 18.2430	
RI65-541	Bachus Oil Co. (Operator), et al., 721 East Central, Wichita, Kans.	1	* 2	Cities Service Gas Co. (Driftwood Field, Barber County, Kans.).	739	2-10-65	* 3-19-65	8-19-65	* 13.0	** 14.0	G-20546.
RI65-542	Bachus Oil Co. (Operator), et al.	2	* 2	do.	878	2-10-65	* 3-19-65	8-19-65	* 13.0	** 14.0	G-20546.
RI65-543	Bachus Oil Co., et al.	3	* 2	Cities Service Gas Co. (W. Medicine Lodge Field, Barber County, Kans.).	2,992	2-10-65	* 3-19-65	8-19-65	* 13.0	** 14.0	G-20547.
	do.	4	* 3	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	2,148	2-10-65	* 3-19-65	8-19-65	* 13.0	** 14.0	RI65-12.
	do.	5	* 2	do.	59	2-16-65	* 3-19-65	8-19-65	* 13.0	** 14.0	G-20305.
	do.	6	* 4	do.	503	2-16-65	* 3-19-65	8-19-65	* 12.0	** 14.0	

¹ The stated effective date is the effective date requested by Respondent.

² Periodic rate increase.

³ Pressure base is 15.925 p.s.i.a.

⁴ Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

⁵ The stated effective date is the first day after expiration of the required statutory notice.

⁶ Tax reimbursement increase.

⁷ Pressure base is 14.65 p.s.i.a.

⁸ Renegotiated rate increase.

⁹ Subject to downward B.T.U. adjustment.

¹⁰ Includes letter agreement dated Oct. 30, 1964, which provides for increased rate.

Soco Mobil Oil Co., Inc. (Operator) requests that its proposed rate increase be permitted to become effective as of March 19, 1965. Bachus Oil Co. (Operator), et al., Bachus Oil Co., et al., and Bachus Oil Co. request an effective date of December 23, 1964, for their rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d)

¹ Does not consolidate for hearing or disposition of the several matters herein.

of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The proposed rate increase filed by Pubco Petroleum Corp. (Operator), et al. (Pubco),

includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, Southern Union Gathering Co. (Southern Union), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent is expected to file a protest with respect to the tax reimbursement portion of this rate increase. Southern Union contends that the producer under its contract does not have the right to file for a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein for Pubco shall concern itself with the contractual basis as well as the statutory lawfulness of Pubco's proposed increased rate.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, Sec. 2.56).

[F.R. Doc. 65-2763; Filed, Mar. 18, 1965; 8:45 a.m.]

[Project No. 2508]

CITY OF NORWICH DEPARTMENT OF PUBLIC UTILITIES

Notice of Application for License

MARCH 16, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Norwich Department of Public Utilities (correspondence to: Ralph L. White, General Manager, Department of Public Utilities, 34 Shetucket Street, Norwich, Conn.) for a license for proposed Project No. 2508, known as the Tenth Street Hydro Station, to be located on the Shetucket River, City of Norwich, in New London County, Conn.

The proposed project, which will be constructed between an existing canal and the Shetucket River, will consist of a reinforced concrete flume approximately 30 feet wide, 15 feet deep, and 80 feet long, at the end of which there will be installed a turbine and generator together with a concrete structure approximately 45 feet by 23 feet. The total capacity of the project will be approximately 2,000 horsepower.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 6, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-2860; Filed, Mar. 18, 1965; 8:48 a.m.]

[Docket No. CP65-118 etc.]

LONE STAR GAS CO. ET AL.

Notice of Application, Amendment to Application, and Consolidation

MARCH 16, 1965.

Lone Star Gas Co., Lone Star Gathering Co., and United Gas Pipe Line Co., Docket No. CP65-118; Lone Star Gathering Co., Docket No. CP62-179¹; United Gas Pipe Line Co., Docket No. CP62-193.²

Take notice that on October 30, 1964, as supplemented January 13, 1965, Lone Star Gas Co. (Lone Star) and Lone Star Gathering Co. (Gathering), both Texas corporations with their principal place of business at 301 South Harwood Street, Dallas, Tex., 75201, and United Gas Pipe Line Co. (United),² a Delaware corporation with its principal place of business at 1525 Fairfield Avenue, Shreveport, La., 71102, filed in Docket No. CP65-118 a joint application, pursuant to section 7 of the Natural Gas Act, for certificates of public convenience and necessity authorizing the construction and operation of facilities to be used for the transportation and sale of natural gas and requesting permission and approval to abandon other facilities, all as herein-after described, subject to the jurisdiction of the Commission, as more fully represented in the above-captioned applications, supplements, and amendments thereto which are on file with the Commission and open for public inspection.

On September 7, 1962, and February 6, 1963, Gathering received temporary certificates in Docket No. CP62-179 authorizing it to construct and operate a 24.4-mile, 14-inch transmission line extending in a southeasterly direction from a point near the DeWitt-Victoria Counties, Tex., line to a point about 7 miles southeast of Victoria, Tex., where Gathering's line interconnects with United's 30-inch line extending from Refugio, Tex., to Monroe, La. Gathering also operates in excess of 100 miles of pipelines, ranging from 2½ to 12 inches in diameter, for the purpose of receiving gas from independent producers whose acreage is located in DeWitt, Goliad, Karnes, and Victoria Counties, Tex. Gathering's service agreement with United provides for the delivery to United of an average volume of 40,000 Mcf of gas per day from Gathering's 14-inch transmission line through United's purchase meter station and appurtenant facilities constructed and being operated pursuant to temporary certificates issued to United on September 7, 1962, and November 15, 1963, in Docket No. CP62-193.

¹ Notice of the applications filed in Docket Nos. CP62-179 and CP62-193 was issued Mar. 26, 1964, and published in the FEDERAL REGISTER on April 2, 1964, 29 F.R. 4756.

² Additionally, on Feb. 5, 1965, United filed an amendment to its application in Docket No. CP62-193 requesting that the purchase meter station, constructed and now being operated under temporary authority, be permanently certificated as a check meter station if the application in Docket No. CP65-118 is granted.

The joint application states that Gathering's above-described facilities are isolated from the main system of its parent company, Lone Star, and that United has determined that Gathering's facilities can be advantageously integrated into United's pipeline system in Texas, thereby affording increased flexibility in the receipt of gas supplies. Accordingly, United and Gathering have entered into an agreement whereby United will purchase and acquire from Gathering all of its pipelines, appurtenant facilities, related properties, and all of Gathering's contracts for the purchase of gas from independent producers who will continue to make jurisdictional sales of natural gas, but with United as the purchaser instead of Gathering. The price which United has agreed to pay Gathering for its facilities is \$3,426,355.10 which represents Gathering's depreciated book cost thereof as of June 30, 1964, and which is subject to adjustment at the time of closing for additions, retirements, and depreciation made or accrued during the interim. United will finance payment to Gathering from current working funds.

The supplement filed January 13, 1965, in Docket No. CP65-118 shows that if United should acquire all of Gathering's facilities and contracts, United would have 305 billion cubic feet of reserves committed to it under the reserves determination provisions of the producer contracts to be assigned to United by Gathering. The total average daily volume of gas for which United would be obligated to take or pay when all producer contracts have been assigned to United would be no greater than 40,000 Mcf daily, which is the same as United's present obligation to take gas deliveries from Gathering. United further alleges that the take-or-pay obligations to be incurred by United upon assignment of Gathering's producer contracts would not adversely affect United's existing gas prepayment situation.

Additionally, United proposes to sell and convey to Lone Star approximately 93 miles of pipeline, primarily 16 and 18 inches in diameter, consisting of that portion of its main line which extends westward to Dallas and Fort Worth, Tex., from a point known as Mile Post 117.2 near the city of Wills Point in Van Zandt County, Tex. United avers that these facilities were in existence when it received its grandfather certificate November 10, 1942, in Docket No. G-232, 3 FPC 863. When constructed, these facilities were used predominantly to sell natural gas to Dallas Power and Light Co., and Texas Electric Service Co., in the Dallas-Fort Worth area. However, United indicates that its contracts with these customers have expired and United no longer serves them. United emphasizes the

decreased utilization of these facilities by noting that in 1960, the last year of sales to Dallas Power and Light Co., and Texas Electric Service Co., the facilities delivered a total of 52.7 MMMcf as compared with calendar year 1963 when these facilities delivered a total of only 4.4 MMMcf to customers in the Dallas-Fort Worth area. Although United seeks permission to abandon these facilities by sale and transfer to Lone Star, the application points out that United will neither assign its existing sales contracts to Lone Star nor abandon any service to customers now served by means of the Dallas-Fort Worth line. Instead, United proposes to continue supplying all of its existing customers' present needs, to meet any increased requirements of such customers, and to provide service to any new customers who may desire natural gas service in the area traversed by these facilities. In order to supply the existing and increased needs of its present customers on the Dallas-Fort Worth line and to meet the requirements of any new customers who might materialize, United proposes to purchase up to 32,500 Mcf of gas per day from Lone Star pursuant to a gas sales contract between Lone Star and United providing for United to pay Lone Star an initial price of 21.62 cents per Mcf, subject to increases or decreases, beginning July 1, 1966, based on Lone Star's increase or decrease in cost of purchased gas and changes in certain taxes which may be assessed against Lone Star and passed on to United.²

The application states that Lone Star sells and distributes gas at retail in Dallas and Fort Worth and the surrounding areas. Therefore, Lone Star will be able to integrate into its existing pipeline system the Dallas-Fort Worth line which it seeks to acquire from United. The flow diagram submitted with the supplement filed January 13, 1965, in Docket No. CP65-118 shows that by the third year of operation Lone Star will use the facilities to be acquired from United to deliver up to 85,000 Mcf per day to its Dallas Division of Distribution as well as to continue providing service to United's customers whose requirements are now met by use of these same facilities. By the third year of operation Lone Star will use these facilities to transport 65,846 Mcf of gas on a peak day from West Yantis Field in Wood and Raines Counties, Tex., and the Edgewood Field in Van Zandt County, Tex., and 31,572 Mcf from sources in Jack and Wise Counties, Tex. The price to be paid by Lone Star to United for the Dallas-Fort Worth facilities is \$3,254,414.85 which represents United's depreciated book cost as of June 30, 1964, and is subject to adjustment at the time of closing for additions, retirements, and depreciation made or accrued during the interim. Lone Star will finance the sale price from current working funds. United also seeks authorization to

construct and operate dehydration, measuring, and related facilities at its Mineola Compressor Station in Wood County, Tex., in order to sell up to 22,500 Mcf of gas per day to Lone Star under United's Rate Schedule PL-C which currently provides for a demand charge of \$1.11 and a commodity charge of 18.16 cents per Mcf. In order to receive deliveries of gas to be purchased from United, Lone Star proposes to construct and operate approximately 12 miles of 8-inch pipeline and appurtenant facilities extending from a point on its "Line O" in a southwesterly direction to a point near United's Mineola Compressor Station in Wood County, Tex. The estimated cost of United's proposed facilities is \$207,494 and the estimated cost of Lone Star's proposed facilities is \$208,700. Both United and Lone Star expect to finance the construction of these facilities out of current working funds.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 2, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing, without issuance of further notice, will be held before the Commission on the applications described herein provided no protests or further petitions to intervene are filed within the time required herein, if the Commission on its own review of these matters finds that a grant of the certificates and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a protest or further petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-2868; Filed, Mar. 18, 1965;
8:48 a.m.]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN BANK

Order Declaring Registration Effective

In the matter of the registration statement of The Chase Manhattan Bank.

There has come before the Board of Governors a registration statement of The Chase Manhattan Bank, New York, N.Y., a member State bank of the Federal Reserve System, for registration of its Capital Stock, \$12.50 par value, on the New York Stock Exchange. The registration statement was filed with the

Board and the New York Stock Exchange on February 26, 1965, pursuant to section 12 (b), (c), and (d) of the Securities Exchange Act of 1934 ("Act"), and Federal Reserve Regulation F, "Securities of Member State Banks", adopted pursuant to section 12(i) of the Act. Amendment No. 1 to the registration statement was filed on March 4, 1965.

The New York Stock Exchange certified to the Board on February 26, 1965, that said Capital Stock has been approved by said Exchange for listing and registration. Under section 12(d) of the Act, registration would become effective 30 days after the date of receipt of such certification, unless the Board prescribes an earlier effective date. The Chase Manhattan Bank and the New York Stock Exchange have requested the Board to accelerate the effective date of registration.

Upon consideration of all the circumstances, including the availability of financial and other information concerning the bank prior to the filing of the registration statement,

It is hereby ordered, That registration of the Capital Stock, \$12.50 par value, of The Chase Manhattan Bank shall become effective immediately on the New York Stock Exchange.

Dated at Washington, D.C., this 12th day of March 1965.

By order of the Board of Governors.¹

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-2816; Filed, Mar. 18, 1965;
8:46 a.m.]

CITY BANK AND TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of The City Bank and Trust Co. for approval of acquisition of assets of American State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The City Bank and Trust Co., Milwaukee, Wis., which, under the new name American City Bank & Trust Co., is to be a State member bank of the Federal Reserve System, for the Board's prior approval of its acquisition of assets and assumption of deposit liabilities of American State Bank, Milwaukee, Wis. Notice of the proposed acquisition of assets and assumption of deposit liabilities, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corp., and the Department of Justice on the competitive factors involved in the proposed transaction,

¹ Voting for this action: Governors Robertson, Shephardson, Mitchell, and Daane. Absent and not voting: Chairman Martin and Governor Balderston.

² According to the supplement filed Jan. 13, 1965, in Docket No. CP65-118, the estimated price, inclusive of increases in purchased gas costs and applicable taxes, will be 24.22 cents per Mcf beginning July 1, 1966.

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said application be and hereby is approved, provided that said acquisition of assets and assumption of deposit liabilities shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 12th day of March 1965.

By order of the Board of Governors.²

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-2817; Filed, Mar. 18, 1965;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4260]

MASSACHUSETTS ELECTRIC CO. AND NEW ENGLAND POWER CO.

Notice of Intrasystem Sale and Acquisition of Utility Assets

MARCH 15, 1965.

Notice is hereby given that New England Power Co. ("NEPCO") and Massachusetts Electric Co. ("Mass Electric"), 441 Stuart Street, Boston, Mass., 02116, both public-utility subsidiary companies of New England Electric System, a registered holding company, have filed a joint declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the transaction therein proposed. All interested persons are referred to the joint declaration, on file at the office of the Commission, for a statement of the proposed transaction which is summarized below.

NEPCO, a Massachusetts corporation, is an electric utility company engaged in generating, purchasing, transmitting, and selling electric energy at wholesale. Mass Electric, also a Massachusetts corporation, is a retail electric utility company doing business in Massachusetts. NEPCO owns facilities (substations, switching stations, and lines) which, since January 1, 1964, have been used by Mass Electric to serve certain industrial customers within Mass Electric's territory. NEPCO and Mass Electric have entered into an agreement which provides for the sale by NEPCO and the purchase by Mass Electric of such facilities and for the reimbursement by Mass Electric for the use of such facilities for

the period from January 1, 1964 to the effective date of transfer. The purchase price for the assets to be transferred will be the depreciated original cost thereof as at the effective date of transfer. As at November 30, 1964, such original cost was \$389,220.05, and the accrued depreciation was \$145,156.05.

The filing states that an application has been filed with the Massachusetts Department of Public Utilities for approval of the proposed transfer; that no other State commission has jurisdiction over the transaction; and that, upon this Commission's exercising its jurisdiction over the proposed transfer, no other Federal commission would have jurisdiction over any aspects of the transaction. Fees and expenses incident to the proposed transaction are estimated not to exceed \$1,000 each for NEPCO and Mass Electric.

Notice is further given that any interested person may, not later than April 6, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-2810; Filed, Mar. 18, 1965;
8:46 a.m.]

[File No. 814-51]

TRUSTEED FUNDS, INC.

Notice of Filing of Application for Order Revoking Order

MARCH 15, 1965.

Notice is hereby given that Trustees Funds, Inc. ("applicant"), 33 State Street, Boston, Mass., a Massachusetts corporation and the depositor of and principal underwriter for Commonwealth Fund Plans A & B and Commonwealth Fund Plans C & D and the principal underwriter for Commonwealth Fund for Growth, Inc., all diversified, open-end, management companies registered under the Investment Company

Act of 1940 ("Act"), has filed an application for the revocation or vacation of an order, dated April 3, 1950, issued by the Commission pursuant to sections 9(a) and 9(b) of the Act (Investment Company Act Release No. 1440) or a declaration that the conditions set forth in that order are of no further force or effect. That order exempted applicant from the provisions of section 9(a) of the Act and permitted it to serve as depositor and principal underwriter for Commonwealth Fund Plans A & B and Commonwealth Fund Plans C & D, subject to certain terms and conditions. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below:

On September 9, 1949, the United States District Court for the District of Massachusetts issued a permanent injunction against Trustees Funds, Inc. and certain named individuals based upon a complaint filed by the Securities and Exchange Commission. The decree of the District Court was of a type described in section 9(a)(2) of the Act, and as a result thereof, it became unlawful for Trustees Funds, Inc. to act as the depositor of or principal underwriter for a registered investment company unless an exemption were issued by the Commission pursuant to the provisions of section 9(b) of the Act. On April 3, 1950, the Commission issued an exemptive order pursuant thereto (In the Matter of Trustees Funds, Inc., File No. 814-51—Investment Company Act Release No. 1440). The order of exemption set forth a number of conditions for the continued effectiveness thereof.

On February 7, 1963, on motion of Trustees Funds, Inc. and upon notice to the Commission, the United States District Court for the District of Massachusetts vacated the final judgment and the injunction of September 9, 1949, as against Trustees Funds, Inc.

The Commission's order of April 3, 1950 specifically provided that the terms of the order might be modified, suspended or revoked, if, based upon subsequent facts, in the opinion of the Commission, such action would be necessary or appropriate in the public interest. Section 38 of the Act gives to the Commission the authority from time to time to amend and rescind orders appropriate to the exercise of its powers under the Act.

Since the issuance of the exemptive order on April 3, 1950, the Commission has on occasion amended certain of the provisions thereof in respects not material to the consideration of this application. During the more than fourteen years since the issuance of this order, no charge has been made by the Commission against Trustees Funds, Inc. that the company has in any way violated or failed to observe the provisions thereof.

In connection with the application for the vacation of the injunction, the Commission submitted a memorandum to the court which acknowledged that none of the individuals who were responsible for the initial violation by the company have had any connection with the com-

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20561, or to the Federal Reserve Bank of Chicago. Dissenting Statement of Governor Mitchell with which Governor Robertson concurs also filed as part of the original document and available upon request.

² Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shephardson, and Deane. Voting against this action: Governors Robertson and Mitchell.

pany for some years and that "it would appear that the change in ownership and control have resulted in the company now differing in all relevant respects, except its name, from the defendant which was enjoined in September 1959".

The provisions of the Commission's exemptive order issued in April 1950 are more restrictive and are more detailed than the general requirements of the Act and impose upon Trusteed Funds, Inc. certain restrictions which are not otherwise imposed by the Act.

If Trusteed Funds, Inc. had abandoned its securities business after the issuance of the permanent injunction, it could today re-enter that field without any of the limitations, restrictions or special conditions contained in the section 9 order. If the persons who today own and control Trusteed Funds, Inc. had formed a new company, they would be permitted to act in this area without any of the limitations, restrictions or special conditions contained in the section 9 order.

Notice is further given that any interested person may, not later than April 5, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 65-2811; Filed, Mar. 18, 1965;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 506]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1965, because of the effects of certain disasters, damage resulted to residences and busi-

ness property located in the Town of Missouri Valley in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Town and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about February 28, 1965.

OFFICE

Small Business Administration Regional Office, Fifth and Grand Avenue, Des Moines, Iowa, 50309.

2. A temporary office will be established in the Town of Missouri Valley, Iowa, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1965.

Dated: March 8, 1965.

ROSS D. DAVIS,
Executive Administrator.

[P.R. Doc. 65-2795; Filed, Mar. 18, 1965;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 16, 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. 39627—*Tin orterne plate to points in Minnesota.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2766), for interested rail carriers. Rates on tin orterne plate, in carloads, from specified points in Ohio, Pennsylvania, also Weirton, W. Va., to Minneapolis, Minnesota Transfer, St. Paul and Savage, Minn.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 16 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-332.

FSA No. 39628—*Lumber and related articles from and to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8700),

for interested rail carriers. Rates on lumber and related articles, in carloads, between points in southwestern territory; also between points in southwestern territory, on the one hand, and points in Kansas, Missouri, and Mississippi River crossings, on the other.

Grounds for relief—Carrier competition.

Tariffs—Supplements 44 and 9 to Southwestern Freight Bureau, Agent, tariffs I.C.C. 4559 and 4609, respectively.

FSA No. 39629—*Returned starch shipments from, to and between points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8701), for interested rail carriers. Rates on returned shipments of starch, in airslide and covered hopper cars, in carloads, from original destination to original point of shipment, between points in southwestern territory, on the one hand, and points in official (including Illinois), southern, southwestern, and western trunk-line territories, on the other.

Grounds for relief—Carrier competition.

Tariffs—Supplements 290, 9, 148, and 9 to Southwestern Freight Bureau, Agent, tariffs I.C.C. 4400, 4610, 4342, and 4609, respectively.

FSA No. 39630—*Sulphuric acid to Brunswick, Ga.* Filed by O. W. South, Jr., Agent (No. A4647), for and on behalf of Atlantic Coast Line Railroad Co. Rates on sulphuric acid, in tank carloads, from Acme, N.C., to Brunswick, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 115 to Southern Freight Association, Agent, tariff I.C.C. S-162.

FSA No. 39631—*Sulphuric acid from Acme, N.C.* Filed by O. W. South, Jr., Agent (No. A4648), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Acme, N.C., to Chattanooga, McCarty, North Chattanooga, and Tyner, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 115 to Southern Freight Association, Agent, tariff I.C.C. S-162.

FSA No. 39632—*Joint motor-rail rates—Central and Southern Motor Freight.* Filed by Central and Southern Motor Freight Tariff Association, Inc., Agent (No. 91), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 49 to Central and Southern Motor Freight Tariff Association, Inc., Agent, tariff MF-I.C.C. 286.

FSA No. 39633—*Sand and gravel from and to points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8703), for interested rail carriers. Rates on clay, gravel, sand, crushed stone, and related articles, in carloads, from and to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mis-

souri, Nebraska, New Mexico, Oklahoma, and Texas.

Grounds for relief—Carrier competition.

Tariff—Supplement 50 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4565.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-2818; Filed, Mar. 18, 1965;
8:46 a.m.]

[Notice 20]

FINANCE APPLICATIONS

MARCH 16, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23541—By application filed March 8, 1965, Great Northern Railway Co., 175 East Fourth Street, St. Paul, Minn., 55101, seeks authority to assume obligation and liability, as guarantor, in respect of \$6,975,000 principal amount of its Second Equipment Trust of 1965 Equipment Trust certificates. Applicant's attorney: Anthony Kane, Vice President and General Counsel, 175 East Fourth Street, St. Paul, Minn., 55101. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

F.D. No. 23544—By application filed March 9, 1965, American Commercial Lines, Inc., 1030 East Market Street, Jeffersonville, Ind., seeks authority to issue 314,868 shares of common stock, par value \$3 per share, as a 20-percent stock dividend—one share for each five shares held—on presently issued and outstanding common stock. Applicant's attorneys: Samuel H. Moerman and Jacob P. Billig, La Roe, Winn & Moerman, 743 Investment Building, Washington, D.C., 20005; T. Randolph Buck, Secretary and General Counsel, American Commercial Lines, Inc., 1030 East Market Street, Jeffersonville, Ind., and Dudley B. Tenney, Cahill, Gordon, Rein del & Ohl, 80 Pine Street, New York, N.Y. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23545—By application filed March 10, 1965, Mount Hood Railroad Co., Box 268, Hood River, Oreg., seeks authority to issue a short term, unsecured promissory note in the principal

amount of \$50,000. Applicant's attorneys: A. C. Lighthall, President, Post Office Box 774, Baker, Oreg., and David C. Silven, Attorney, 1950 Third Street, Baker, Oreg. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23546—By application filed March 12, 1965, Soo Line Railroad Co., 800 Soo Line Building, Fifth Street and Marquette Avenue, Minneapolis, Minn., 55440, seeks authority to assume obligation and liability, as guarantor, in respect of \$5,265,000 aggregate principal amount of its Equipment Trust of 1965, Serial Equipment Trust Certificates. Applicant's Attorney: Robert G. Gehrz, General Solicitor, 804 Soo Line Building, Minneapolis, Minn., 55440. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-2819; Filed, Mar. 18, 1965;
8:46 a.m.]

[Notice 1140]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 16, 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-66708. By order of March 12, 1965, the Transfer Board approved the transfer to Martha L. Buckley, doing business as J. M. Buckley & Son, Courtland, Calif., of the Certificate in No. MC-79467, issued August 26, 1954, to George E. Buckley, doing business as J. M. Buckley & Son, Courtland, Calif., authorizing the transportation of: Canned goods, from Courtland and Sacramento, Calif., to Stockton, Oakland, and San Francisco, Calif.; fresh and dried fruits, from Wheatland, Calif., to Sacramento; fresh fruits, from Newcastle, Loomis, Auburn, and Colfax, Calif., to Oakland and San Francisco; spray materials, from Stockton, Oakland, and San Francisco, to Courtland, Calif.; grain, rice, and hay, from points within 75 miles of Courtland, including Courtland, to Stockton, Oakland, and San

Francisco, and between points within 75 miles of Courtland, and fresh vegetables, between points within 50 miles of Courtland, including Courtland. Claire H. Greve, 926 J Street, Sacramento, Calif., 95814, attorney for applicants.

No. MC-FC-67612. By order of March 12, 1965, the Transfer Board approved the transfer to Friesen Truck Line, Inc., Hutchinson, Kans., of certificates Nos. MC-112669 and MC-112669 (Sub-No. 4), issued October 22, 1958, and February 13, 1964, respectively, to Abe K. Friesen, doing business as Friesen Truck Line, Hutchinson, Kans., authorizing the transportation, over irregular routes, of salt, in truckloads, of not less than 15,000 pounds, from Hutchinson, Kanopolis, and Lyons, Kans., to points in Oklahoma; clay brick and clay tile, from Collinsville, Oklahoma City, and Tulsa, Okla., to points in Kansas (except Wichita); cotton seed products, except in hopper and tank vehicles, from points in Kansas, to points in Oklahoma. D. S. Hults, Post Office Box 225, Lawrence, Kans., attorney for applicants.

No. MC-FC-67614. By order of March 12, 1965, the Transfer Board approved the transfer to Smith's General Trucking Co., a corporation, West Warwick, R.I., of the operating rights in certificate No. MC-1839 issued July 29, 1941, to Elphege Smith, doing business as Smith's General Trucking Co., West Warwick, R.I., authorizing the transportation, over irregular routes, of general commodities, excluding commodities in bulk, but including household goods, between points in Kent and Providence Counties, R.I.; household goods, between West Warwick, R.I., on the one hand, and, on the other, points in that part of Massachusetts on and east of Massachusetts Highway 12; between points in Kent and Providence Counties, R.I.; textile materials, textile machinery, and dyestuffs and chemicals used in the manufacture and processing of textile products, between West Warwick, R.I., on the one hand, and, on the other, points in Connecticut, and those in that part of Massachusetts east of Massachusetts Highway 12, south of U.S. Highway 20, and west of a line extending from Boston, Mass., along Massachusetts Highway 138 to Taunton, Mass., thence along Massachusetts Highway 140 to New Bedford, Mass., including points on the indicated portion of the highways specified; and refractory brick, between West Warwick, R.I., on the one hand, and, on the other, Taunton and Ware, Mass. Charles H. Anderson, 917 Turks Head Building, Providence 3, R.I., attorney for applicants.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-2820; Filed, Mar. 18, 1965;
8:46 a.m.]

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