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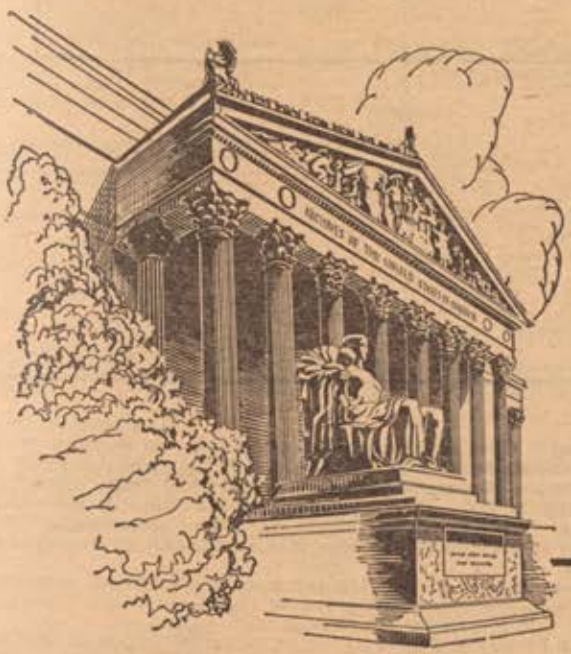

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Title 3—THE PRESIDENT

Executive Order 11215

ESTABLISHING THE PRESIDENT'S COMMISSION ON THE PATENT SYSTEM

WHEREAS the patent system established under the Constitution of the United States has contributed materially to the development of this country by furthering increased productivity, economic growth, and an enhanced standard of living and has strengthened the competitiveness of our products in world markets; and

WHEREAS we have experienced vast technological advances, particularly in recent decades, and industrial development continues to depend increasingly upon scientific and inventive endeavors; and

WHEREAS other industrial nations may be expected to exert vigorous efforts to obtain the greatest economic and social benefit from inventive activity; and

WHEREAS we and other nations are concerned with improving systems for the protection of industrial property to promote the beneficial exchange of products and services across national boundaries; and

WHEREAS the extensive international economic interests of the United States require that this Government take a leading role in international cooperation for the protection of industrial property; and

WHEREAS the patent system of the United States has developed a continuing backlog of patent applications and the cost of processing such applications increases constantly; and

WHEREAS the general character of our patent system has undergone no substantial change since 1836; and

WHEREAS it is now necessary to evaluate our patent system and to identify possible improvements in it:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Commission established.* (a) There is hereby established the President's Commission on the Patent System, hereinafter referred to as the Commission. The President shall designate the Chairman of the Commission from among its members.

(b) The Commission shall be composed of the Secretary of Commerce, the Secretary of Defense, the Administrator of the Small Business Administration, and the Director of the National Science Foundation, or their respective designees, and not to exceed ten other members appointed by the President from the public at large.

(c) The Secretary of State and the Director of the Office of Science and Technology, or their designees, may sit with the Commission as observers.

SEC. 2. *Functions of the Commission.* The Commission shall recommend to the President steps to ensure that the patent system will be more effective in serving the public interest in view of the complex and rapidly changing technology of our time. Specifically, it shall direct its efforts toward (1) ascertaining the degree to which our patent system currently serves our national needs and international goals, (2) identifying any aspects of the system which may need change, (3) devising possible improvements in the system, and (4) recommending any legislation deemed essential to strengthen the United States patent system. In carrying out its evaluation, and in achieving these objectives, the Commission shall make an independent study of the existing patent system of the United States including its

relationship to international and foreign patent systems, inventive activity and the administration of the system.

SEC. 3. *Administrative arrangements.* (a) Each member of the Commission who does not concurrently hold other compensated office or employment under the United States shall receive such compensation as shall be fixed in accordance with the standards and procedures of the Classification Act of 1949, as amended, or such other laws or procedures as may be applicable, and may also receive travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Department of Commerce is hereby designated as the agency which principally shall provide the Commission with necessary administrative facilities and services, including such advice as may be necessary to aid the Commission in the performance of its functions hereunder.

(c) Each Federal department or agency the head of which is referred to in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Commission to accomplish the purposes of this order, in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691). Such assistance may include the detailing of employees to the Commission, one of whom may serve as its Executive Secretary, to perform such functions consistent with the purposes of this order as the Commission may assign to them.

(d) Each Federal department or agency shall, consonant with law and within the limits of available funds, cooperate with the Commission in carrying out its functions under this order. Such cooperation shall include, as may be appropriate, (1) furnishing relevant available information, (2) preparing reports or studies pursuant to requests by the Chairman, and (3) advising the Commission on its work pursuant to requests by the Chairman.

(e) The Commission shall have access to the records of the Patent Office and to other records of the Department of Commerce relating to patents, insofar as is not inconsistent with law.

SEC. 4. *Reports; termination of Commission.* (a) The Commission shall transmit to the President a preliminary report within one year after the date of this order and such interim reports as it shall deem appropriate. It shall submit its final report and recommendations to the President not later than 18 months after the date of this order.

(b) The Commission shall terminate not later than thirty days after date of transmittal of its final report to the President.

SEC. 5. *Revocation.* Executive Order No. 8977 of December 12, 1941, entitled "Establishing the National Patent Planning Commission," is hereby revoked.

LYNDON B. JOHNSON

THE WHITE HOUSE,
April 8, 1965.

[F.R. Doc. 65-3853; Filed, Apr. 9, 1965; 11:49 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3107 is amended to delete the limit on the number of scientific and professional research associate positions at Army Biological Laboratories, Fort Detrick, Md., excepted under Schedule A, provided that no more than 5 new appointments may be made in a calendar year. Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraph (1) of paragraph (i) of § 213.3107 is amended as set out below.

§ 213.3107 Department of the Army.

* * * * *

(i) *Army Biological Laboratories, Fort Detrick, Md.*

(1) Scientific and professional research associate positions at the Army Biological Laboratories, Fort Detrick, Md., when filled on a temporary or intermittent basis by persons having a doctoral degree in the biophysical or biological sciences or related fields of study for research activities of mutual interest to the appointee and the Laboratories. No more than 5 new appointments may be made in any one calendar year. Employment under this provision shall not exceed 1 year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

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

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

[F.R. Doc. 65-3765; Filed, Apr. 9, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116 is amended to decrease the number of positions directly concerned with programs conducted by the Department in connection with problems of Cuban refugees, and to extend the limitation on these excepted appointments to June 30, 1966. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (g) of § 213.3116 is amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(g) *Welfare Administration.*

(1) Not to exceed 105 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: *Provided*, That employment under this authority shall be temporary and no employment shall be made under it after June 30, 1966.

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

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

[F.R. Doc. 65-3766; Filed, Apr. 9, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Coordinator, Interior Youth Conservation Center Program, is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (29) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(29) One Coordinator, Interior Youth Conservation Center Program.

* * * * *

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

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

[F.R. Doc. 65-3767; Filed, Apr. 9, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

President's Council on Equal Opportunity

Section 213.3375 is added to Part 213 to show the exception under Schedule C of the positions of Executive Secretary and Assistant Executive Secretary in the President's Council on Equal Opportunity. Effective upon publication in the FEDERAL REGISTER, § 213.3375, and paragraphs (a) and (b) thereunder are added as set out below.

§ 213.3375 President's Council on Equal Opportunity.

(a) Executive Secretary.
(b) Assistant Executive Secretary.

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

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

[F.R. Doc. 65-3768; Filed, Apr. 9, 1965; 8:50 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

General and Specific Exceptions

The amendments of §§ 550.504 and 550.505 show a change in the introductory paragraph of each section from "the head of" a department, agency, or the municipal government of the District of Columbia to "appropriate authority in." The amendment of § 550.505 also provides an exception from the limitation in section 301(a) of the Dual Compensation Act (P.L. 88–448) on compensation from more than one civilian position. These amendments, effective January 21, 1965, are set forth below.

§ 550.504 General exceptions.

When appropriate authority in a department, agency, or the municipal government of the District of Columbia, or person to whom he has delegated the authority, determines that personal services otherwise cannot be readily obtained, section 301(a) of the Act does not apply to:

* * * * *

§ 550.505 Specific exceptions.

When appropriate authority in the department or agency concerned, or in the municipal government of the District of Columbia, or person to whom he has delegated the authority, determines that personal services otherwise cannot be readily obtained, section 301(a) of the Act does not apply to:

* * * * *

(f) Compensation for intermittent employment as a detention guard by the Juvenile Court of the District of Columbia.

(Sec. 301(b), Pub. Law 88–448; 78 Stat. 488)

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

[F.R. Doc. 65-3706; Filed, Apr. 9, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

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

[Grapefruit Reg. 54]

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

Limitation of Shipments

§ 905.461 Grapefruit Regulation 54.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos

grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, and as provided in § 905.455 (30 F.R. 987), is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 6, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (7 CFR §§ 51.750–51.783 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., April 12, 1965, and ending at 12:01 a.m., e.s.t., April 19, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

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

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

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

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

(v) Any pink seedless grapefruit, grown in the production area, which are smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

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

Dated: April 7, 1965.

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

[F.R. Doc. 65-3773; Filed, Apr. 9, 1965; 8:50 a.m.]

[Navel Orange Reg. 81]

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

Limitation of Handling

§ 907.381 Navel Orange Regulation 81.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1965.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 11, 1965, and ending at 12:01 a.m., P.s.t., April 18, 1965, are hereby fixed as follows:

(i) District 1: 700,000 cartons;

(ii) District 2: 700,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

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

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

Dated: April 9, 1965.

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

[F.R. Doc. 65-3847; Filed, Apr. 9, 1965; 11:23 a.m.]

[Valencia Orange Reg. 114]

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

Limitation of Handling

§ 908.414 Valencia Orange Regulation 114.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 1, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., April 11, 1965, and ending at 12:01 a.m., P.s.t., January 30, 1966, no handler shall handle any Valencia oranges grown in District 2 which are of a size smaller than 2.09 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.09 inches in diameter.

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

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

Dated: April 6, 1965.

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

[F.R. Doc. 65-3774; Filed, Apr. 9, 1965; 8:50 a.m.]

[Valencia Orange Reg. 115]

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

Limitation of Handling

§ 908.415 Valencia Orange Regulation 115.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 8, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 11, 1965, and ending at 12:01 a.m., P.s.t., April 18, 1965, are hereby fixed as follows:

(i) District 1: 61,916 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 200,000 cartons.

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

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

Dated: April 9, 1965.

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

[F.R. Doc. 65-3848; Filed, Apr. 9, 1965; 11:23 a.m.]

[Lemon Reg. 156]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.456 Lemon Regulation 156.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 6, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 11, 1965, and ending at 12:01 a.m., P.s.t., April 18, 1965, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 167,400 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: April 8, 1965.

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

[F.R. Doc. 65-3799; Filed, Apr. 9, 1965; 8:50 a.m.]

[Avocado Order 5, Amdt. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Subpart—Container Regulation

On March 25, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3883) that consideration was being given to amendment of the avocado container regulation, Avocado Order 5 (§ 915.305; 29 F.R. 8463), effective under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. This is a regulatory marketing program issued pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that the amendment of said container regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is therefore ordered that the provisions in paragraph (b)(1)(viii) of § 915.305 (Avocado Order 5; 29 F.R. 8463) is hereby amended to read as follows:

§ 915.305 Avocado Order 5.

* * * * *

(b) *Order.* (1) * * *

(viii) With respect to the containers prescribed in subdivisions (ii) through (iv) of this subparagraph, all avocados packed in such containers shall be placed in one layer only and the net weight of all Arue, Pollock, Simmonds, Hardee, Nadir, Trapp, Peterson, Waldin, Pinelli, Tonnage, Booth 8, Black Prince, Blair, Booth 7, Booth 10, Collinson, Lula, Booth 5, Hickson, Simpson, Vaca, Avon, Booth 11, Hall, Winslowson, Choquette, Herman, Monroe, Ajax (Booth 7–B), Booth 3, Taylor, Byars, Linda, Nabal, Wagner, Schmidt, Itzamna, Dr. Dupuis, Katherine, Nirody, Rue, Sherman, Marcus, Nelson, Catalina, Chica, Murphy, Leona, and Dunadin varieties of avocados in any such container shall be not less than 13½ pounds and the net weight of all other varieties of avocados in any such container shall be not less than 13 pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such applicable weight requirement.

* * * * *

The provisions hereof shall become effective 30 days after publication in the FEDERAL REGISTER.

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

Dated: April 7, 1965.

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

[F.R. Doc. 65-3775; Filed, Apr. 9, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop Wheat Supp., Amdt. 8]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Wheat Loan and Purchase Program

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 8049, 8465, 9957, 11492, 12004, 13135, 13944, 15912, and 15943 containing the specific requirements of the 1964-crop wheat loan and purchase program are hereby amended as follows:

Section 1421.2133(e) is amended to correct basic county support rates as follows:

§ 1421.2133 Support rates.

* * * * *

(e) *Basic support rates (counties).*

* * * * *

MINNESOTA

County	Dollars per bushel	
	From—	To—
Blue Earth	1.48	1.50
Brown	1.47	1.50
Carver	1.46	1.50
Chippewa	1.47	1.49
Cottonwood	1.44	1.47
Dodge	1.49	1.50
Faribault	1.45	1.49
Fillmore	1.45	1.47
Freeborn	1.48	1.49
Houston	1.44	1.45
Jackson	1.42	1.47
Lac Qui Parle	1.45	1.47
Le Sueur	1.49	1.50
Lincoln	1.42	1.45
Lyon	1.45	1.47
Martin	1.44	1.48
Mower	1.47	1.49
Murray	1.42	1.46
Nicollet	1.49	1.50
Nobles	1.39	1.42
Olmsted	1.48	1.50
Pipestone	1.41	1.43
Redwood	1.46	1.49
Renville	1.48	1.50
Rock	1.37	1.40
Scott	1.48	1.50
Sibley	1.48	1.50
Steele	1.49	1.50
Wabasha	1.49	1.50
Waseca	1.49	1.50
Watonwan	1.46	1.49
Winona	1.48	1.50
Yellow Medicine	1.45	1.48
MISSOURI		
Cape Girardeau	1.42	1.44
Carter	1.34	1.40
Douglas	1.26	1.32
Oregon	1.33	1.39
Ozark	1.27	1.35
Reynolds	1.32	1.37
Ripley	1.41	1.44
Shannon	1.31	1.37
Wayne	1.38	1.41
MONTANA		
Big Horn	1.03	1.09
NEBRASKA		
Washington	1.35	1.38
OREGON		
Curry	1.15	1.25
Douglas	1.19	1.21
Jackson	1.15	1.21
Josephine	1.12	1.21
SOUTH DAKOTA		
Aurora	1.31	1.34
Beadle	1.37	1.40
Brookings	1.40	1.41
Brown	1.38	1.40
Brule	1.32	1.37
Buffalo	1.32	1.37
Clark	1.39	1.41
Codington	1.41	1.43
Corson	1.31	1.32
Custer	1.18	1.20
Davidson	1.33	1.35
Day	1.40	1.42
Deuel	1.39	1.40
Edmunds	1.36	1.37
Faulk	1.36	1.39
Grant	1.43	1.43

SOUTH DAKOTA—Continued

County	Dollars per bushel	
	From—	To—
Haakon	1.29	1.33
Hamlin	1.40	1.43
Hand	1.36	1.38
Hughes	1.34	1.37
Hyde	1.34	1.37
Jackson	1.28	1.33
Jones	1.30	1.35
Kingsbury	1.39	1.41
Lawrence	1.26	1.27
Lincoln	1.35	1.38
Lyman	1.32	1.36
McPherson	1.35	1.36
Minnehaha	1.36	1.38
Moody	1.39	1.42
Pennington	1.26	1.30
Potter	1.34	1.38
Spink	1.38	1.40
Stanley	1.33	1.36
Sully	1.33	1.37
Union	1.35	1.37
Walworth	1.34	1.35
Washabaugh	1.28	1.33

WISCONSIN

Iron	1.42	1.43

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 2, 1965.

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

[F.R. Doc. 65-3674; Filed, Apr. 9, 1965; 8:45 a.m.]

[C.C.C. Grain Price Support Reg., 1964 Crop Rye Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Rye Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation (29 F.R. 7872 and 13163), with respect to rye produced in 1964 which contain specific requirements for the 1964 crop of rye are hereby amended as follows:

Section 1421.2820 is amended to increase the basic support rate for rye in certain counties in Colorado, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Oregon, South Dakota, Texas, and Washington. The basic support rates for rye in the counties named below are changed to read as follows:

§ 1421.2820 **Support rates.**

* * * * *

(c) Basic county support rates.

COLORADO

County	Rate per bushel	
	From—	To—
Adams	$0.96	$1.02
Arapahoe	.96	1.02
Baca	.97	1.03
Bent	.97	1.02
Boulder	.96	1.02
Cheyenne	.98	1.04
Crowley	.96	1.02

COLORADO—Continued

County	Rate per bushel	
	From—	To—
Denver	$0.96	$1.02
Douglas	.96	1.02
Elbert	.96	1.02
El Paso	.96	1.02
Jefferson	.96	1.02
Kiowa	.98	1.03
Kit Carson	.98	1.04
Larimer	.96	1.02
Las Animas	.95	1.01
Lincoln	.96	1.02
Logan	.96	1.02
Morgan	.96	1.02
Otero	.96	1.02
Phillips	.98	1.04
Prowers	.98	1.04
Pueblo	.96	1.02
Sedgwick	.98	1.04
Washington	.96	1.02
Weld	.96	1.02
Yuma	.98	1.03

KANSAS

Allen	$1.11	$1.15
Anderson	1.13	1.15
Atchison	1.14	1.15
Barber	1.05	1.11
Barton	1.05	1.11
Bourbon	1.13	1.15
Brown	1.13	1.15
Butler	1.07	1.13
Chase	1.09	1.15
Chautauqua	1.09	1.15
Cherokee	1.11	1.15
Cheyenne	1.00	1.06
Clark	1.02	1.07
Clay	1.08	1.14
Cloud	1.08	1.13
Coffey	1.12	1.18
Comanche	1.03	1.09
Cowley	1.07	1.13
Crawford	1.12	1.15
Decatur	1.03	1.09
Dickinson	1.07	1.13
Doniphan	1.13	1.15
Edwards	1.05	1.11
Elk	1.09	1.15
Ellis	1.05	1.11
Ellsworth	1.06	1.12
Finney	1.01	1.07
Ford	1.04	1.09
Franklin	1.14	1.15
Geary	1.09	1.15
Gove	1.02	1.08
Graham	1.05	1.10
Grant	1.00	1.06
Gray	1.02	1.08
Greeley	1.00	1.06
Greenwood	1.10	1.15
Hamilton	1.00	1.06
Harper	1.06	1.12
Harvey	1.07	1.13
Haskell	1.01	1.07
Hodgeman	1.04	1.10
Jackson	1.13	1.15
Jefferson	1.14	1.15
Jewell	1.07	1.12
Kearny	1.00	1.06
Kingman	1.07	1.12
Kiowa	1.05	1.11
Labette	1.11	1.15
Lane	1.02	1.08
Lincoln	1.06	1.12
Linn	1.14	1.15
Logan	1.01	1.07
Lyon	1.11	1.15
McPherson	1.07	1.12
Marion	1.07	1.13
Marshall	1.11	1.15
Meade	1.01	1.07
Mitchell	1.07	1.12
Montgomery	1.11	1.15
Morris	1.09	1.14
Morton	.98	1.04
Nemaha	1.11	1.15
Neosho	1.11	1.15
Ness	1.04	1.10
Norton	1.05	1.10
Osage	1.12	1.15
Osborne	1.06	1.12
Ottawa	1.07	1.13
Pawnee	1.05	1.11
Phillips	1.05	1.11
Pottawatomie	1.11	1.15
Pratt	1.05	1.11
Rawlins	1.01	1.07
Reno	1.06	1.12
Republic	1.08	1.13
Rice	1.06	1.12
Riley	1.11	1.15
Rooks	1.05	1.11
Rush	1.05	1.11
Russell	1.05	1.11
Saline	1.07	1.13
Scott	1.01	1.07

KANSAS—Continued

County	Rate per bushel	
	From—	To—
Sedgwick	$1.07	$1.13
Seward	1.00	1.06
Shawnee	1.13	1.15
Sheridan	1.02	1.08
Sherman	1.00	1.06
Smith	1.06	1.12
Stafford	1.05	1.11
Stanton	.99	1.05
Stevens	1.00	1.03
Sumner	1.07	1.13
Thomas	1.01	1.07
Trego	1.05	1.10
Wabaunsee	1.11	1.15
Wallace	1.00	1.06
Washington	1.09	1.14
Wichita	1.00	1.06
Wilson	1.11	1.15
Woodson	1.11	1.15

MINNESOTA

Blue Earth	$1.15	$1.17
Brown	1.14	1.16
Carver	1.13	1.17
Chippewa	1.14	1.15
Cottonwood	1.11	1.14
Dodge	1.16	1.17
Faribault	1.12	1.15
Fillmore	1.12	1.13
Freeborn	1.14	1.16
Goodhue	1.16	1.17
Houston	1.11	1.12
Jackson	1.09	1.14
Lac Qui Parle	1.12	1.13
Le Sueur	1.16	1.17
Lincoln	1.09	1.11
Lyon	1.11	1.13
Martin	1.11	1.15
Mower	1.14	1.16
Murray	1.09	1.12
Nicollet	1.16	1.17
Nobles	1.06	1.09
Olmsted	1.15	1.16
Pipestone	1.08	1.10
Polk	1.08	1.09
Redwood	1.13	1.15
Renville	1.15	1.17
Rock	1.05	1.08
Scott	1.14	1.17
Sibley	1.15	1.17
Steele	1.16	1.17
Swift	1.15	1.16
Wabasha	1.15	1.17
Waseca	1.15	1.17
Watonwan	1.13	1.16
Winona	1.14	1.17
Yellow Medicine	1.12	1.14

MISSOURI

Barry	$1.09	$1.15
Barton	1.11	1.15
Bates	1.14	1.15
Bollinger	1.17	1.22
Butler	1.15	1.20
Camden	1.14	1.20
Cape Girardeau	1.16	1.22
Carter	1.06	1.12
Cedar	1.13	1.15
Christian	1.09	1.15
Crawford	1.19	1.23
Dade	1.11	1.15
Dallas	1.11	1.17
Dent	1.16	1.22
Dunklin	1.13	1.19
Greene	1.11	1.16
Henry	1.14	1.15
Hickory	1.11	1.15
Howell	1.06	1.12
Iron	1.18	1.23
Jasper	1.11	1.15
Jefferson	1.22	1.23
Laclede	1.14	1.19
Lawrence	1.09	1.15
McDonald	1.09	1.15
Madison	1.18	1.23
Mississippi	1.13	1.19
New Madrid	1.14	1.20
Newton	1.09	1.15
Oregon	1.06	1.12
Pemiscot	1.13	1.19
Perry	1.18	1.23
Phelps	1.17	1.23
Polk	1.11	1.15
Pulaski	1.15	1.21
Reynolds	1.14	1.16
Ripley	1.14	1.20
St. Clair	1.13	1.15
St. Francois	1.19	1.23
Ste. Genevieve	1.20	1.23
Scott	1.15	1.21
Shannon	1.06	1.12
Stoddard	1.15	1.21

MISSOURI—Continued

County	Rate per bushel	
	From—	To—
Stone	$1.08	$1.14
Taney	1.07	1.13
Texas	1.06	1.12
Vernon	1.13	1.15
Washington	1.20	1.23
Wayne	1.16	1.21
Webster	1.12	1.17
Wright	1.08	1.12

NEBRASKA

Adams	$1.07	$1.12
Antelope	1.07	1.11
Arthur	.99	1.05
Banner	.94	1.00
Blaine	1.02	1.08
Boone	1.08	1.12
Box Butte	.97	1.03
Boyd	1.04	1.10
Brown	1.02	1.07
Buffalo	1.06	1.12
Butler	1.11	1.13
Cass	1.12	1.15
Cedar	1.06	1.12
Chase	.99	1.04
Cherry	.99	1.05
Cheyenne	.96	1.02
Clay	1.07	1.13
Custer	1.04	1.09
Dakota	1.09	1.12
Dawes	.95	1.00
Dawson	1.04	1.10
Deuel	.98	1.04
Dixon	1.08	1.12
Dundy	.98	1.04
Fillmore	1.09	1.14
Franklin	1.05	1.11
Frontier	1.03	1.08
Furnas	1.04	1.10
Gage	1.10	1.15
Garden	.97	1.03
Garfield	1.05	1.11
Gosper	1.04	1.10
Grant	.98	1.03
Greeley	1.07	1.12
Hall	1.07	1.12
Hamilton	1.08	1.12
Harlan	1.05	1.11
Hayes	.99	1.05
Hitchcock	1.00	1.06
Holt	1.05	1.11
Hooker	.99	1.05
Howard	1.07	1.12
Jefferson	1.09	1.15
Johnson	1.10	1.15
Kearney	1.05	1.11
Keith	.99	1.05
Keya Paha	1.02	1.08
Kimball	.96	1.02
Knox	1.05	1.11
Lancaster	1.12	1.15
Lincoln	1.01	1.07
Logan	1.02	1.08
Loup	1.05	1.10
McPherson	1.01	1.07
Madison	1.08	1.12
Merrick	1.08	1.12
Morrill	.96	1.01
Nance	1.09	1.12
Nemaha	1.10	1.15
Nuckolls	1.07	1.13
Otoe	1.12	1.15
Pawnee	1.11	1.15
Perkins	.99	1.05
Phelps	1.05	1.11
Pierce	1.08	1.12
Platte	1.10	1.12
Polk	1.10	1.12
Redwillow	1.03	1.08
Richardson	1.11	1.15
Rock	1.02	1.08
Saline	1.10	1.15
Sarpy	1.12	1.14
Saunders	1.12	1.14
Scotts Bluff	.94	1.00
Seward	1.11	1.13
Sheridan	.96	1.02
Sherman	1.06	1.11
Sioux	.93	.99
Stanton	1.09	1.11
Thayer	1.09	1.14
Thomas	1.01	1.07
Thurston	1.10	1.12
Valley	1.05	1.11
Wayne	1.07	1.12
Webster	1.06	1.12
Wheeler	1.08	1.12
York	1.09	1.12

OKLAHOMA

Adair	$1.05	$1.11
Alfalfa	1.05	1.10
Beaver	.99	1.04
Blaine	1.03	1.04
Canadian	1.03	1.04
Cherokee	1.06	1.12
Cimarron	.97	1.03
Craig	1.10	1.15
Creek	1.05	1.10
Delaware	1.09	1.15
Ellis	1.01	1.03
Garfield	1.04	1.09
Grant	1.05	1.10
Harper	1.00	1.04
Haskell	1.03	1.08
Hughes	1.03	1.06
Kay	1.06	1.11
Kingfisher	1.03	1.05
Latimer	1.03	1.06
LeFlore	1.03	1.06
Lincoln	1.03	1.06
Logan	1.03	1.07
McIntosh	1.04	1.10
Major	1.02	1.06
Mayes	1.08	1.14
Muskogee	1.05	1.11
Noble	1.05	1.10
Nowata	1.10	1.15
Okfuskee	1.03	1.07
Oklahoma	1.03	1.04
Okmulgee	1.05	1.11
Osage	1.07	1.12
Ottawa	1.10	1.15
Pawnee	1.05	1.10
Payne	1.03	1.07
Pittsburg	1.03	1.06
Pontotoc	1.03	1.04
Rogers	1.08	1.14
Seminole	1.03	1.05
Sequoyah	1.04	1.10
Texas	.98	1.03
Tulsa	1.07	1.13
Wagoner	1.07	1.13
Washington	1.10	1.15
Woods	1.04	1.09
Woodward	1.02	1.05

OREGON

Benton	$1.20	$1.24
Clackamas	1.23	1.25
Curry	1.09	1.18
Douglas	1.13	1.20
Jackson	1.06	1.20
Josephine	1.06	1.20
Lane	1.17	1.20
Linn	1.20	1.24
Marion	1.23	1.26
Polk	1.22	1.26
Tillamook	1.24	1.28
Washington	1.25	1.27
Yamhill	1.24	1.27

SOUTH DAKOTA

Beadle	$1.05	$1.07
Bennett	.97	1.03
Brookings	1.07	1.08
Brown	1.05	1.07
Brule	1.01	1.04
Buffalo	1.01	1.04
Clark	1.06	1.09
Codington	1.08	1.10
Custer	.95	.98
Day	1.07	1.09
Deuel	1.06	1.07
Edmonds	1.03	1.05
Fall River	.93	.96
Faulk	1.03	1.06
Grant	1.10	1.12
Gregory	1.04	1.09
Haakon	.97	1.01
Hamlin	1.07	1.10
Hand	1.03	1.05
Hughes	1.01	1.04
Hyde	1.02	1.05
Jackson	.97	1.00
Jones	1.01	1.03
Kingsbury	1.06	1.08
Lawrence	.94	.95
Lyman	1.01	1.03
McPherson	1.03	1.04
Mellette	1.03	1.05
Moody	1.06	1.09
Pennington	.96	.98
Potter	1.02	1.05

SOUTH DAKOTA—Continued

County	Rate per bushel	
	From—	To—
Shannon	$0.96	$1.01
Spink	1.05	1.07
Stanley	1.01	1.04
Sully	1.01	1.05
Todd	1.03	1.05
Tripp	1.04	1.07
Washabaugh	.97	1.00
Yanton	1.06	1.07

TEXAS

Dallam	$1.04	$1.06
Hansford	1.04	1.06
Hartley	1.05	1.06
Hemphill	1.05	1.06
Lipscomb	1.04	1.06
Moore	1.05	1.06
Ochiltree	1.03	1.06
Sherman	1.04	1.06

WASHINGTON

Benton	$1.23	$1.24
Clallam	1.11	1.12
Klickitat	1.26	1.27

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 2, 1965.

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

[F.R. Doc. 65-3673; Filed, Apr. 9, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6322; Amdt. 61-16]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Prerequisites for Flight Tests

The purpose of these amendments to § 61.21 of Part 61 of the Federal Aviation Regulations is, first, under certain circumstances, to permit an applicant for an airline transport pilot certificate to take the flight test more than 24 months after he passes the written test if he has been employed by a United States air carrier or commercial operator as a pilot assigned to flight engineer duties. These circumstances, like those previously prevailing for an applicant employed as a pilot, are that he has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved training program of, his employer. The amendments also make this indefinite extension of time available for a pilot applicant employed

in either capacity (pilot or flight engineer) if his employment and participation in his employer's approved pilot training program commenced at any time within the 24-month period since the written test was passed, and not necessarily at or before the time the written test was passed.

These amendments were proposed in Notice No. 64–51 and published in the FEDERAL REGISTER on November 25, 1964 (29 F.R. 15821).

The comments received on the notice generally support the extension of the pilot's privilege to the pilot assigned to flight engineer duties, in the circumstances stated. Two comments characterized the proposals as favored consideration for airlines and airline crewmembers. One of these comments suggested that the change also should be made applicable to professional pilots (not airline crewmembers) receiving training through professional pilot training schools. This comment is addressed to the basic concept of indefinite extension of time already provided by § 61.21, and its concern is not limited to the changes made by these amendments. The Agency does not agree with this suggestion. The pilot-flight engineers who can benefit by these amendments must participate in approved pilot training programs of their employers that are required by the air carrier regulations (Parts 40, 41, and 42 of the Civil Air Regulations, recodified as Part 121 of the Federal Aviation Regulations). Also, in airline operations these pilot-flight engineers are exposed to current air transportation developments, air traffic control procedures, and changes in regulations, routes, and flight techniques and procedures. There are no requirements that will assure comparable training and dissemination of this current information by approved pilot schools. The other of these comments suggested that consideration should be given to the granting of the same time extension to applicants currently enrolled in approved pilot schools. The Agency does not agree with this suggestion, since these schools are not required to meet the same pilot training standards as those established in the air carrier regulations.

One comment suggested that paragraph (b) of § 61.21 (requirement of applicable experience prescribed in Part 61) should be excluded along with the indefinite extension of the time requirement of paragraph (a) of that section, so as to permit an applicant to take the written test for an airline transport certificate when he is ready in terms of his training program. The Agency does not agree with this suggestion, since it considers it necessary to have a pilot experience requirement as a prerequisite for eligibility to take the written test, and since to adopt the suggestion would create difficulties in maintaining required standards as well as enforcement problems.

Two comments (including the one that made the suggestion just discussed) concerned the requirements of § 61.145 (b)(2) of "1,200 hours flight time as a pilot within the 8 years before the date he applies," and of § 61.21(b) that the applicant for a flight test must "have the applicable aeronautical experience prescribed" in Part 61, in their relation to the pilot employed as a flight engineer who receives the benefit of these amendments. These comments assume that with the passage of time such a pilot may lose credit for his 1,200 hours of flight time as a pilot within 8 years, upon the premise that the 8 years are those immediately before the date of his taking the flight test. The comments apparently are based upon a misunderstanding, since the 8 years are those preceding the time the applicant "applies," meaning the time he applies for the airline transport pilot certificate with an airplane rating. This is borne out by the language of § 61.143, that provides that the applicant "must, after meeting the requirements of §§ 61.141 (except paragraph (a) thereof) and § 61.143, pass a written test"—in other words, the "1,200 and 8" requirement precedes the written test, not the flight test.

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

In consideration of the foregoing, the flush paragraph of § 61.21 of Part 61 of the Federal Aviation Regulations is amended to read as follows, effective May 10, 1965:

§ 61.21 Prerequisites for flight tests.

* * * * *

Notwithstanding paragraph (a) of this section, an applicant for an airline transport pilot certificate who (1) has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved pilot training program of, a United States air carrier or commercial operator since no later than 24 months after passing the written test, or (2) has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States scheduled military air transportation service after passing the written test, may take the flight test for that certificate as long as he continues in that employment and pilot training program.

(Secs. 313(a), 601, and 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, and 1422)

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

N. E. HALABY,
Administrator.

[F.R. Doc. 65–3718; Filed, Apr. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–45]

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

Alteration of Control Zone

On February 3, 1965, Airspace Docket No. 64–CE–62 was published in the FEDERAL REGISTER (30 F.R. 1111) which amended Part 71 of the Federal Aviation Regulations by altering the Hastings, Nebr., control zone and transition area. The description of the Hastings, Nebr., control zone included a reference to the Kent Airport, Juanita, Nebr. Subsequent to the publication of the final rule, notice was received that the Kent Airport, Juanita, Nebr., had been deactivated. Therefore, action is taken herein to amend the description of the Hastings, Nebr., control zone by deleting the reference to the Kent Airport.

Since the controlled airspace described in Airspace Docket No. 64–CE–62 becomes effective 0001 e.s.t., April 1, 1965, the Administrator has determined that good cause exists for having the action set forth herein become effective on less than 30 days notice. In addition, the action herein imposes no additional burden on any person. Therefore, by reason of the foregoing, this rule may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended immediately as hereinafter set forth:

In § 71.171 (29 F.R. 17581) the Hastings, Nebr., control zone is amended by the deletion of the following: "and within a 1-mile radius of Kent Airport, Juanita, Nebraska (latitude 40°40'00'' N., longitude 98°30'15'' W.)."

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

Issued in Kansas City, Mo., on April 1, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–3719; Filed, Apr. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 63–EA–93]

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

Alteration and Designation of Control Zone and Transition Areas

On pages 886 and 887 of the FEDERAL REGISTER of January 28, 1965, there was published a notice of proposed rule making to issue a regulation which would alter the Morgantown, W. Va., full-time control zone, alter the Clarksburg, W. Va., 700 foot transition area, designate a Clarksburg, W. Va., part-time control zone, designate a 700 foot transition area over the Morgantown Municipal Airport, W. Va., and designate a 1,200 foot transition area over the Morgantown and Clarksburg terminal areas.

Interested persons were given 30 days in which to submit written data or views with respect to the proposed regulation. No objections to the proposed regulation were received.

The proposed regulation is hereby adopted without change effective 0001 e.s.t. June 24, 1965.

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

Issued in Jamaica, N.Y., on March 19, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 by deleting the description of the Morgantown, W. Va. control zone and inserting in lieu thereof:

Within a 5-mile radius of the center of Morgantown Airport, Morgantown, W. Va., 39°38'28" N., 79°54'59" W. and within 2 miles each side of the Morgantown VOR 332° radial extending southerly from the 5-mile radius to the VOR; within 2 miles each side of the 168° bearing from the Morgantown RBN extending northerly from the 5-mile radius zone to the RBN; within 2 miles each side of the centerline of Runway 18 extended south for 8.5 miles from the end of the runway.

2. Amend § 71.171 of Part 71 by designating a Clarksburg, W. Va. control zone described as follows:

CLARKSBURG, W. VA.

With a 5-mile radius of the center of Benedum Airport, Clarksburg, W. Va., 39°-17'40" N., 80°13'40" W. and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 5 miles from the end of the runway effective 0530 to 2130 hours local time daily and 0600 to 2000 hours on Saturday.

3. Amend § 71.181 of Part 71 by deleting the description of the Clarksburg, W. Va. transition area and substituting in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Benedum Airport, Clarksburg, W. Va., 39°-17'40" N., 80°13'40" W. and within 2 miles each side of the Clarksburg, VOR 216° radial extending southwesterly from the 7-mile radius area for 8 miles from the VOR and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 7 miles from the end of the runway.

4. Amend § 71.181 of Part 71 by designating a 700-foot and 1,200-foot Morgantown, W. Va. transition area described as follows:

MORGANTOWN, W. VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius from the center of Morgantown Airport, Morgantown, W. Va., 39°38'28" N., 79°54'59" W. extending clockwise from a 192° bearing to a 328° bearing; within a 15-mile radius from the center of Morgantown Airport extending clockwise from a 328° bearing to a 192° bearing.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at a point 39°00'00" N., 81°04'-00" W. to 39°42'00" N., 80°38'30" W. to 39°-59'00" N., 80°29'00" W., thence counterclockwise along an arc with a 37-mile radius from the Imperial, Pa., VOR to 40°02'00" N., 79°-51'30" W. to 39°25'00" N., 79°20'00" W. to 39°10'00" N., 79°55'00" W. to 38°59'00" N., 80°22'00" W. to the point of beginning.

[F.R. Doc. 65-3720; Filed, Apr. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-14]

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

Designation of Control Zone, Alteration of Transition Area and Federal Airways

On February 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1875) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Cortez, Colo., 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., June 24, 1965, as hereinafter set forth.

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

CORTEZ, COLO.

Within a 5-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°-18'15" N., longitude 108°37'35" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17657), the Cortez, Colo., transition area is amended to read:

CORTEZ, COLO.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Montezuma County Airport, Cortez, Colo. (latitude 37°18'15" N., longitude 108°37'-35" W.), and within 2 miles each side of the Cortez VOR 003° and 183° radials, extending from the 7-mile radius area to 6 miles N of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles E and 8 miles W of the Cortez VOR 003° and 183° radials, extending from 3 miles S to 14 miles N of the VOR.

3. Section 71.123 (29 F.R. 17509) is amended as follows:

a. In V-187 "via Farmington, N. Mex.; Dove Creek, Colo.;" is deleted and "via Farmington, N. Mex.; 12 AGL Cortez, Colo.; 12 AGL Dove Creek, Colo.;" is substituted therefor.

b. In V-211 "; to INT Durango 284° and Dove Creek, Colo., 148° radials," is deleted and "; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo." is substituted therefor.

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

Issued in Los Angeles, Calif., on April 2, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-3721; Filed, Apr. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-101]

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

Designation of Federal Airway

On February 4, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1201) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations to designate a VOR Federal airway from Kinston, N.C., to Elizabeth City, N.C.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-472 is amended to read as follows:

V-472 From Franklin, Va., via Elizabeth City, N.C.; INT Elizabeth City 243° and Kinston, N.C., 029° radials; to Kinston.

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

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

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

[F.R. Doc. 65-3722; Filed, Apr. 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64-PC-6]

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

Designation of Transition Area

On December 30, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 19111) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at South Kauai, Hawaii.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643), the South Kauai, Hawaii, transition area is designated as follows:

That airspace extending upward from 700 feet above the surface within 2 miles N and 4 miles S of the South Kauai VOR 271° radial, extending from the VOR to 8 miles W of the VOR.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854 (24 F.R. 9565))

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

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

[F.R. Doc. 65-3723; Filed, Apr. 9, 1965; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-273; Order 296]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Independent Producers of Natural Gas; Anti-Triggering Conditions in Certificates of Public Convenience and Necessity

APRIL 5, 1965.

The Commission's Statement of General Policy No. 61-1 issued on September 28, 1960 (24 FPC 818, 18 CFR 2.56),

specified acceptable price levels for initial service rates and proposed rate changes that would be accepted without suspension provided no protests or petitions to intervene were filed with respect thereto. The Commission noted in this policy statement that it was necessary to formulate a policy that was sufficiently broad to reach all its pricing areas in order to protect the consumer by "making the most effective use possible of the Commission's limited facilities in discharging the new and additional duties called for by the regulation of producers of natural gas". The Commission also recognized therein that it would be necessary to make changes to and to augment this statement as demanded by time and circumstances.

The Commission's continuing experience with the effects of indefinite escalation clauses contained in some producer contracts for the sale of natural gas has made it manifest that in order for it to meet its statutory obligations to the consumer that it must implement its policy statement with respect to the operation and effect of such clauses.

The Commission has in numerous recent certificate proceedings[1] relating to the initial sale of natural gas in interstate commerce utilized price-conditioning techniques in order to prevent the escalation of prices above existing triggering levels or to new price plateaus while the just and reasonable prices for such sales can be determined. The Commission indicated in these previous decisions that the price-conditioning techniques were adopted as a "* * * means of protecting the public interest by keeping gas at triggering prices from entering interstate commerce in the interim period until just and reasonable area rates are fixed".[2] It is clear that these objectives can be effectively frustrated if persons receiving permanent certificates to make sales of gas in noncontested proceedings could file increased rates at such triggering levels. Accordingly, we are amending the Statement of General Policy, as set out below, to outline the procedure we intend to follow henceforth to preclude any such result.

To accomplish our objective, we have set out in a new paragraph (d) of the Policy Statement triggering levels above which we propose, by condition in the permanent certificate granted in any noncontested proceeding to preclude any increased rate filing for a fixed period. As will be observed, the moratorium levels are fixed at 2 cents above the present initial price ceiling except in those areas in which we have already established triggering levels in litigated cases, in which case we have utilized the established level. This reflects a Commission study indicating that in the various areas which have not been the subject of section 7 hearings any price more than 2 cents above the new gas ceiling is likely to result in triggering filings by other sellers in the area or to establish a new high price plateau. The moratorium period will extend to January 1, 1968, except for those areas in which earlier dates have already been established. Any applicant wishing to demonstrate that the price specified in the Policy Statement is not a triggering rate or otherwise wishing to contest the propriety of the condition will be permitted to do so, upon filing a timely request. In such situation, the application will be set for formal hearing and, if the producer wishes to commence operation pending such hearing, he must comply with the provisions of § 157.28 of the regulations under the Natural Gas Act governing temporary authorizations.

The Commission finds: In view of the fact that this Statement of Policy does not prescribe any course of action on the part of any person but merely sets forth the Commission's contemplated course of action, notice under section 4(a) of the Administrative Procedure Act is not required and the Statement may be made effective upon issuance.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 830, 15 USC 717c, 717d, 717f, 717o), orders:

(A) Effective upon the issuance of this order, § 2.56, Part 2, Statements of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended as follows:

1. Add the following new paragraph (d):

§ 2.56 Area price levels for natural gas sales by independent producers.

* * * * *

(d) (1) All permanent certificates of public convenience and necessity granting applications filed after April 15, 1965, will contain a condition, substantially in the language set out in subparagraph (2) of this paragraph, precluding any filing of an increased rate at a price in excess of those designated in the attached table for the period prescribed therein, unless at the time of filing such certificate application, or within the time fixed in the notice of application for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition in which event the application will be set for formal hearing to determine, inter alia, whether any grant of certificate shall be so conditioned.

(2) Standard anti-triggering condition:

No increase in rate shall be filed prior to _____ at any price which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended.

2. Insert, to follow the existing table referred to in paragraph (c) of this section, the following table referred to in paragraph (d) of this section.

LEVELS AND DURATION OF ANTITRIGGERING CONDITION FOR VARIOUS PRICING AREAS (AT 14.65 P.S.I.A. UNLESS NOTED)

Pricing area	Anti-triggering level	Effective duration of antitriggering condition
Texas District No.:		
1	17.0	Jan. 1, 1968
2	*18.0	Do.[4]
3	[4] 19.0	Do.[4]
4	[4] 18.0	Do.[4]
5	16.5	Do.
6	17.0	Do.
7-b	16.5	Do.
7-c	18.0	Do.
8	18.0	Do.
9	16.5	Do.
10	19.0	Do.
Louisiana:		
(Southern):		
State	*[1] 23.55	July 1, 1967 [1]
Federal Domain	*[1] 23.55	Do.[5]
(Northern)	*20.75	Jan. 1, 1968
Mississippi	*[1] 24.0	Do.[5]
Oklahoma:		
Panhandle	19.0	July 1, 1967
Other	[7] 17.9	Do.[7]
Carter Knox	18.8	Do.
Kansas	18.0	Jan. 1, 1968
New Mexico:		
Permian Basin	18.0	Do.
San Juan Basin	*15.0	Do.
Colorado	*17.0	Do.
Wyoming	17.0	Do.
West Virginia	**20.0	Do.

*At 15.025 p.s.i.a.
**At 15.325 p.s.i.a.
[4] Announced in 31 FPC 447.
[5] Announced in Opinion No. 436, ____FPC____.
[6] Announced in Opinion No. 445, ____FPC____.
[7] Announced in Opinion No. 446, ____FPC____.

(Secs. 4, 5, 7, 16, 52 Stat. 822, 823, 824, 830; 15 U.S.C. 717c, 717d, 717f, 717o)

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-3736; Filed, Apr. 9, 1965; 8:46 a.m.]

[1] Placid Oil Co., et al., Opinion No. 398, 30 FPC 283, reversed sub nom, Callery Properties v. FPC, 335 F. 2d 1004 (CA5), certiorari granted March 8, 1965; United Gas Pipe Line Co., et al., Opinion No. 399, 30 FPC 329; Hassie Hunt Trust, Operator, et al., Docket No. G-19115, et al., orders issued February 24, 1964, 31 FPC 447, April 17, 1964, 31 FPC 946, September 29, 1964; Union Texas Petroleum, et al., Docket No. G-13221, et al., Opinion No. 436, 32 FPC ___. See Opinion No. 436-A, 32 FPC ___, Mimeo. p. 5; Sun Oil Co., et al., Docket No. G-8592, et al., Opinion No. 445, 32 FPC ___, Mimeo. p. 7, Edwin L. Cox, et al., Opinion No. 446, 32 FPC ___, Mimeo. pp. 9-10, 14.

[2] E.g., Hassie Hunt Trust, Operator, et al., Docket No. G-19115, et al., order issued on April 17, 1964.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56388]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Claims; Setoff

To eliminate the requirement for the collector of customs to obtain instructions from the Bureau before setting off a judgment or other claim of an importer of record against an indebtedness of such importer to the United States and to permit debts due the United States by a party other than an importer of record to be set off against judgments or claims of such a party against the United States, § 24.72 of the Customs regulations is amended to read as follows:

§ 24.72 Claims; set-off.

When an importer of record or other party has a judgment or other claim allowed by legal authority against the United States, and he is indebted to the United States, either as principal or surety, for an amount which is legally fixed and undisputed, the collector shall set off so much of the judgment or other claim as will equal the amount of the debt due the Government.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

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

Approved: April 2, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-3752; Filed, Apr. 9, 1965; 8:47 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 A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Having evaluated data supplied following enactment of Public Law 88-625 (78 Stat. 1002; 21 U.S.C. 342, note), and having concluded that such data meet the provisions of the statute and the policy prescribed by § 121.84, the Commissioner of Food and Drugs has concluded that no undue risk to the public health is involved in the interim use of an additional food additive substance until June 30, 1965, or until such earlier date as a regulation may have issued establishing or denying a tolerance or the exemption from the requirement of a tolerance in accordance with section 409 of the Federal Food, Drug, and Cosmetic Act. Therefore, pursuant to the authority above cited, which has been delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.91(a) of the food additive regulations is amended by inserting in alphabetical order under the list of products a new item as follows:

§ 121.91 **Further extensions of effective date of statute for certain food additives as indirect additives to food.**

(a) * * *

Product	*Specified uses or restrictions*
* * *	* * *
Polyoxypropylene-polyoxyethylene block polymers (molecular weight 3200 to 3620).	As a plasticizer in coatings to be applied to paper and paperboard for food packaging.
* * *	* * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 88-625 as a relief of restrictions on the food-processing industry.

Effective date. This order shall be effective on the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; Public Law 88-625; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: April 5, 1965.

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

[F.R. Doc. 65-3760; Filed, Apr. 9, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

4,4'-ISOPROPYLIDENEDIPHENOL - EPICHLOROHYDRIN THERMOSETTING EPOXY RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1624) filed by Shell Chemical Co., 110 West 51st Street, New York, N.Y., 10020, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of 1,2-epoxy-3-phenoxypropane as a curing agent in the production of 4,4'-isopropylidenediphenol-epichlorohydrin thermosetting epoxy resins intended for repeated food-contact use. 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), § 121.2585(b) is amended by inserting alphabetically therein a new item as follows:

§ 121.2585 **4,4'-Isopropylidenediphenol-epichlorohydrin thermosetting epoxy resins.**

* * * * * *

(b) * * *

1,2-Epoxy-3-phenoxypropane.

* * * * * *

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

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

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

Dated: April 5, 1965.

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

[F.R. Doc. 65-3761; Filed, Apr. 9, 1965; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NON-RENEGOTIABLE SALES

How To Determine Receipts or Accruals Subject to Renegotiation; Generally

Section 1456.3 *How to determine receipts or accruals subject to renegotiation; generally* is amended in the following respects:

1. The last sentence of paragraph (b)(3) is deleted and the following is inserted in lieu thereof: "Similarly, the subcontract may contain a reference to an allotment number under the Defense Materials System which can be identified from the symbols used as having been issued by a Department listed in § 1452.2 of this subchapter."

2. Paragraph (b)(6) is deleted in its entirety.

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

Dated: April 7, 1965.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 65-3758; Filed, Apr. 9, 1965; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS

The following amendments are made in Chapter 8:

PART 8-1—GENERAL

1. In Part 8-1, § 8-1.310-5 is revoked.

§ 8-1.310-5 **Standards [Revoked]**

2. Section 8-1.318 is added to read as follows:

§ 8-1.318 **Contracting Officer's decision under a disputes clause.**

When a Contracting Officer has decided a disputed matter, the contractor shall be notified of such decision in writ-

ing, supplementing FPR 1–1.318 with the following:

The Veterans Administration Contract Appeals Board is the authorized representative of the Administrator for hearings and determining such disputes. The rules of the Veterans Administration Contract Appeals Board are set forth in § 1.773, Title 38, Code of Federal Regulations.

3. Subpart 8–1.6 is revised to read as follows:

Subpart 8–1.6—Debarred, Suspended, and Ineligible Bidders

Sec.
8–1.600 Scope of subpart.
8–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.
8–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.
8–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.
8–1.604–1 Procedural requirements relating to the imposition of debarment.
8–1.606 Agency procedure.

AUTHORITY: The provisions of this Subpart 8–1.6 issued under sec. 205(c), 63 Stat. 390, as amended; 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–1.6—Debarred, Suspended, and Ineligible Bidders

§ 8–1.600 Scope of subpart.

This subpart prescribes procedures for debarring or suspending bidders and the establishment, use and maintenance of the Veterans Administration debarred, suspended, or ineligible bidders list.

§ 8–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.

The Director, Supply Management Service, is the debarring official for the Veterans Administration. The names of firms or individual(s) debarred will be included in an administrative issue entitled, "Debarred, Suspended, and Ineligible Bidders List" which will be maintained by the Director, Supply Management Service. This list marked "for official use only" will be made available only to those Veterans Administration employees who require this information in the performance of their official duties.

§ 8–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.

(a) The Director, Supply Management Service, may include on the debarred, suspended, or ineligible list those firms and individual(s) administratively debarred by another executive agency for the causes set forth in FPR 1–1.604(a) (1), (2) and (3) (i) and (iii) when it is known, or it is likely, that the firms or individual(s) will bid on Veterans Administration requirements.

(b) Any Contracting Officer having knowledge of a firm or individual(s) debarred by another agency may recommend that the firm or individual(s) be included on the Veterans Administration Debarred, Suspended and Ineligible List. Such recommendations will be supported by documentary evidence, other than the fact that the firm or individual(s) are included on another agency's list, to support their recommendation.

§ 8–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

(a) The Director, Supply Management Service, may authorize procurement from a firm or individual debarred or suspended by the Veterans Administration when requested by a Contracting Officer and when considered essential in the public interest.

(b) Contracting Officers may, at their discretion, solicit bids or proposals from and award contracts to firms or individuals otherwise ineligible under the Walsh-Healey Act, as provided in FPR 1–1.603(d).

§ 8–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *General.* The reply to the notification of a proposed debarment as required by FPR 1–1.604–1(a) will determine the action to be taken by the debarring official.

(1) *No reply received.* When no reply is received from the firm or individual(s) to the notification of intent to debar within the time limit stated in the notification, the case will be decided on the information available.

(2) *Reply received.* Where written information is received, but no hearing requested, such information will be taken into consideration in the final determination of the case.

(3) *Reply received and hearing requested.* When a hearing is requested, it shall be conducted by the Director, Supply Management Service, or a person designated by him. Hearings will normally be conducted in Washington, D.C. However, when a firm or individual(s) being considered for debarment pleads inability to attend a hearing in Washington, D.C., the Director, Supply Management Service, may direct that the hearing be held at a point more convenient to all parties concerned.

(4) *Representation.* The firm or individual(s) being considered for debarment may appear in person in the case of an individual, a corporation may be represented by an officer thereof, a partnership or joint venture by a member thereof, or any of these by a duly authorized representative. The contracting officer recommending the debarment action will normally, at the discretion of the Director, Supply Management Service, be present at the hearing.

(5) *Scope of debarment.* The debarment will normally be Veterans Administration-wide and will cover all commodities or services supplied by the firm or individual(s). However, depending upon the circumstances, firms or individual(s) may be debarred for certain commodities or services, certain geographical areas, etc., as determined by the debarring official, based upon the evidence submitted or developed.

(6) *Period of debarment.* The period of debarment will be based upon the circumstances involved but will not, except in unusual circumstances, exceed a period of three years. The Director, Supply Management Service, may for those firms or individual(s) debarred by the Veterans Administration remove the debarment, reduce the period of debarment or amend the scope of the debarment, if indicated, after review of documentary evidence submitted by or in behalf of the contractor setting forth the appropriate grounds for granting of such relief. Such grounds may be, but are not limited to, newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management or the elimination of the cause for which debarment was imposed.

(7) *Notice of debarment.* (i) A written notice imposing debarment will be furnished the firm or individual(s) by the Director, Supply Management Service, and will set forth the scope and period of debarment together with the circumstance upon which the debarment was based.

(ii) The imposition of debarment or suspension upon a firm or an individual by the Director, Supply Management Service, shall be final and conclusive except that the firm or individual so debarred may seek relief in a court of competent jurisdiction.

§ 8–1.606 Agency procedure.

Debarment or suspension action may be initiated by any Contracting Officer. The recommendation for debarment or suspension together with a statement of the cause or conditions (See FPR 1–1.604 and 1–1.605–1), suggested term of debarment or suspension and documentary evidence to support the recommendation will be submitted to the appropriate department head or staff office. Pending disposition of the recommendation, no awards will be made to the firm or individual recommended for debarment or suspension. The department head or staff officer concerned will review the adequacy of the debarment or suspension request and transmit it to the Director, Supply Management Service, with recommendations.

4. A new Subpart 8–1.7 is added to read as follows:

Subpart 8–1.7—Small Business Concerns

§ 8–1.708–3 Conclusiveness of certificate of competency.

(a) In those cases where the Small Business Administration has issued a certificate of competency and the Contracting Officer has substantial doubt as to the firm's ability to perform, he shall withhold award and refer the matter to the appropriate department head or staff officer for resolution with the Small Business Administration.

(b) Where the department head or staff officer concerned cannot reach an agreement, the matter will be forwarded to the Administrator, through the Director, Supply Management Service, for a final decision.

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

5. In Part 8–2, § 8–2.104–3 is revised to read as follows:

§ 8–2.104–3 Fixed-price contracts with escalation.

When contracts of this nature are authorized (by Central Office) pursuant to § 8–3.403, contracting officers will be guided by the provisions of FPR 1–3.404–3.

6. In § 8–2.201, paragraphs (e) and (f) are amended to read as follows:

§ 8–2.201 Preparation of invitations for bids.

* * * * *

(e) Instructions for bid guarantee, performance and payment bond requirements are set forth in subparts 8–10.1, 8–10.2, and 8–10.50.

(f) In order to preclude adverse criticism of the Veterans Administration by prospective bidders relative to disclosure of bid prices prior to bid opening, the following provision shall be prominently placed in all invitations to bid:

Caution to bidders—Bid envelopes. Bidders are requested to submit their bids in the envelope furnished with this invitation. However, when it is in the bidder's interest, he may use any other suitable envelope. It is the responsibility of each bidder to take all necessary precautions including the use of a proper mailing cover to ensure that his bid price cannot be ascertained by anyone prior to bid opening.

7. Section 8–2.305 is revoked.

§ 8–2.305 Late modifications and withdrawals. [Revoked]

8. In § 8–2.404–2, paragraph (a) and that portion of paragraph (b) preceding subparagraph (1) are amended to read as follows:

§ 8–2.404–2 Rejection of individual bids.

(a) Questions involving the responsiveness of a bid which cannot be resolved by the contracting officer may be submitted directly to the Comptroller General, accompanied by a copy of the pertinent documents. A copy of each submission will be forwarded to the Director, Supply Management Service.

(b) Bids from employees of the Government will be disregarded except where bid invitations have been solicited from several prospective bidders and the bid of the employee is the only one received. In such instances the Contracting Officer may award the contract to the employee only after he has made a written determination, which shall be included in and made a part of the contract file:

* * * * *

9. Section 8–2.404–3 is added:

§ 8–2.404–3 Notice to bidders of rejection of all bids.

The provisions in FPR 1–2.404–3 are applicable to a single line item or to all line items on the invitation.

10. In § 8–2.406–3, paragraph (b) is amended to read as follows:

§ 8–2.406–3 Other mistakes disclosed before award.

* * * * *

(b) Cases of alleged mistakes in bids will be submitted by Contracting Officers directly to the Director, Supply Management Service. No award will be made pending receipt of an administrative determination. Administrative determinations will be sent directly to the Contracting Officer with a copy of the administrative determination to the department or staff office concerned.

* * * * *

11. In § 8–2.406–4, paragraph (b) is amended to read as follows:

§ 8–2.406–4 Disclosure of mistakes after award.

* * * * *

(b) All cases of mistakes in bid alleged or disclosed after award will be submitted by the Contracting Officer directly to the Director, Supply Management Service. Administrative determinations will be sent directly to the Contracting Officer with a copy of the submission and administrative determination to the department or staff office concerned. Where an administrative determination is precluded by the limitations of FPR 1–2.406–4, or where the case is doubtful, the decision of the Comptroller General will be obtained by the Director, Supply Management Service and forwarded to the Contracting Officer.

PART 8–3—PROCUREMENT BY NEGOTIATION

12. In Part 8–3, § 8–3.402 is redesignated § 8–3.403 and paragraphs (a)(3) and (b) are amended so that the section reads as follows:

§ 8–3.403 Selection of contract type.

(a) Contracts for supplies or nonpersonal services awarded pursuant to Part 8–2 or this part shall be of the following types:

(1) Firm fixed price for a period of one (1) year or less.

(2) Firm fixed price for periods in excess of one (1) year but not exceeding three (3) years.

(3) Fixed price with an escalation clause. (See FPR 1–3.404–3)

(b) When in the opinion of the Contracting Officer it would be advantageous to the Veterans Administration to award a contract of the type specified in paragraph (a) (2) or (3) of this section, a request setting forth the specific reasons therefor, shall be submitted to the department head or staff officer concerned for approval, prior to the issuance of the Request for Proposal or Invitation for Bid. Public utilities contracts containing an escalation clause may be entered into without prior approval.

(c) If a contract is made for a period which extends beyond the appropriation of the year in which the contract period begins, a statement shall be incorporated in the contract to the effect that it is made for a period of time covered by the contract, subject to the availability of appropriations.

13. Section 8–3.404 is revoked.

§ 8–3.404 Cost-reimbursement type contracts. [Revoked]

14. Section 8–3.404–3 is redesignated § 8–3.405–5 and paragraph (a) is amended so that the section reads as follows:

§ 8–3.405–5 Cost-plus-a-fixed-fee contract.

(a) The limitations on fixed fees referred in FPR 1–3.405–5(c) are stated in § 8–3.401.

(b) A determination to include in a cost reimbursement type contract, a proviso that will permit an interim payment in excess of 80 percent of the costs incurred, shall be made by the department head or staff officer concerned.

15. Section 8–3.405–3 is redesignated § 8–3.408 to read as follows:

§ 8–3.408 Letter contract.

The department head or staff officer concerned shall prior to the execution of a letter contract, determine in writing that no other type contract is suitable. The determination shall establish the limit of the effectiveness of the letter contract; i.e., the date by which the definitive contract will be entered into. This date shall be not more than 90 days from the date of the letter contract or the completion of 25 percent of the production of the supplies or the performance of the work called for under the contract, whichever occurs first. The maximum liability of the Veterans Administration under a letter contract shall not exceed 50 percent of the total estimated contract price.

16. In §§ 8–3.605 and 8–3.605–1, the headnotes are amended to read as follows:

§ 8–3.605 Purchase order forms.

§ 8–3.605–1 Standard Form 44, Purchase Order—Invoice—Voucher.

* * * * *

17. Section 8–3.605–2 is redesignated § 8–3.605–50 to read as follows:

§ 8–3.605–50 VA Forms 07–2138 and 07–2139.

VA Form 07–2138 (Purchase Order-Invoice) and VA Form 07–2139 (Purchase Order-Invoice, Continuation Sheet) provide in one interleaved set of forms, a purchase or delivery order, vendor's invoice, and receiving report. These forms will be used in lieu of and in the same manner as Standard Forms 147 and 148.

18. A new subpart 8–3.9 is added to read as follows:

Subpart 8–3.9—Subcontracting Policies and Procedures

§ 8–3.903–2 Review and approval of subcontracts.

All cost-reimbursement type contracts shall:

(a) Provide for advance notification and prior approval by the Contracting Officer of any subcontract thereunder on a cost-plus-a-fixed-fee basis and of any fixed-price subcontract or purchase order which exceeds in dollar amount either $25,000 or 5 per centum of the

total estimated cost of the prime contract.

(b) Contain a provision that any authorized representative of the Administrator of the Veterans Administration shall have the right to inspect the plans and to audit the books and records of any prime contractor or subcontractor engaged in the performance of cost-plus-a-fixed-fee contracts.

PART 8–6—FOREIGN PURCHASES

19. In Part 8–6, a new Subpart 8–6.1 is added to read as follows:

Subpart 8–6.1—Buy American Act—Supply and Service Contracts

AUTHORITY: The provisions of this Subpart 8–6.1 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–6.1—Buy American Act—Supply and Service Contracts

§ 8–6.104–3 Certificate.

Invitations for bids and requests for proposals shall provide that a list of articles, materials, and supplies which the Administrator of Veterans Affairs has determined to be excepted from the "Buy American Act" is available to prospective contractors upon request.

§ 8–6.104–4 Evaluation of bids and proposals.

(a) When a Contracting Officer believes that it would be advantageous to the government to deviate from the provisions of FPR 1–6.104–4(b), authority to consummate the contract will be requested. The request, containing all the facts including a comparison of all the bids or offers received, and any other pertinent information upon which a determination may be made will be submitted through channels to the Chief Medical Director for approval by the Administrator. If approved, a report of the transaction will be prepared and submitted by the Chief Medical Director in accordance with Executive Order No. 10582, dated December 17, 1954.

(b) When only foreign bids are received, the lowest meeting the requirements of the solicitation will be accepted.

(c) In the procurement of end products in accordance with Subpart 8–3.6 of this chapter, preference will be given to domestic source end products, unless the Contracting Officer determines that such products, of a satisfactory quality, are excessive in price. The VA Form 07–2237 will be documented to show each such determination.

§ 8–6.105 Excepted articles, materials and supplies.

Pursuant to the "Buy American Act," the Administrator has determined that the articles, materials, and supplies listed in this section may be acquired by the Veterans Administration without regard to source, except as provided for in Subpart 8–6.53:

Acetylene, Black.
Agar, Bulk.
Anise.
Antimony, as metal or oxide.
Asbestos, amosite.
Bananas.
Beef Extract.
Bismuth.
Books, trade, text, technical or scientific; newspapers; magazines; periodicals; printed briefs and films; not printed in the United States and for which domestic editions are not available.
Brazil nuts.
Cadmium ores and flue dust.
Calcium cyanamide.
Capers.
Cashew nuts.
Castor beans.
Chalk, English.
Chicle.
Chloral hydrate U.S.P. crystal.
Chrome ore or chromite.
Cinchona bark.
Cobalt, in cathodes, rondelles, or other primary forms.
Cocoa Beans.
Coconut and coconut meat in shredded, desiccated, or similarly prepared form.
Coffee, raw or green bean.
Copra.
Cork, wood or bark and waste.
Dammar gum.
Diamonds, industrial.
Emetine, bulk.
Ergot, crude.
Fiber, coir, abaca, and agave.
Flax.
Goat and kid skins.
Graphite, natural, crystalline, crucible grade.
Hemp.
Hog bristles for brushes.
Hyoscine, bulk.
Iodine, crude.
Ipecac, root.
Jute and jute burlaps.
Kaurigum.
Lac.
Lavender oil.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Manganese.
Menthol, natural, bulk.
Mica.
Nickel, primary, in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (also known as picrite).
Nux vomica, crude.
Oiticica oil.
Olive oil.
Olives, green; plain (unpitted) and stuffed, bulk.
Opium, crude.
Petroleum, crude oil; petroleum, finished products; and petroleum, unfinished oils.
Pine needle oil.
Platinum and platinum group metals refined, as sponge, powder, ingots, or cast bars.
Pyrethrum flowers.
Quartz crystals.
Quebracho
Quinidine.
Quinine.
Radium salts.
Rubber, crude and latex.
Rutile.
Santonin, crude.
Shellac.
Silk, unmanufactured.
Sisal.
Sperm oil.
Spices and herbs.
Sugar.
Talc, block, steatite.
Tapioca, tapioca flour and cassava.
Tartar, crude, tartaric acid and cream of tartar.
Tea.
Thyme oil.
Tin, in bars, blocks, and pigs.
Tungsten.
Vanilla beans.
Wax, carnauba.

20. Subpart 8–6.2 is revised to read as follows:

Subpart 8–6.2—Buy American Act—Construction Contracts

AUTHORITY: The provisions of this Subpart 8–6.2 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–6.2—Buy American Act—Construction Contracts

§ 8–6.202–1 General.

Pursuant to the Buy American Act (41 U.S.C. 10a–10d) the Administrator of Veterans Affairs has determined that the articles, materials and supplies listed in this section may be used in Veterans Administration construction without regard to the country of origin except Soviet-controlled areas as provided in Subpart 8–6.53.

Acetylene, black.
Antimony, as metal or oxide.
Asbestos, amosite.
Bismuth.
Cadmium, ores and flue dust.
Chalk, English.
Chlorate Hydrate U.S.P. crystals.
Chrome ore or Chromite.
Cobalt in cathodes, rondelles, or other primary forms.
Cork, wood, or bark and waste.
Dammar gum.
Fiber, coir, abaca, and agave.
Flax.
Graphite, natural, crystalline, crucible grade.
Hemp.
Jute and jute burlaps.
Kauri gum.
Lac.
Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
Manganese.
Mica.
Nickel, primary in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
Nitroguanidine (picrite).
Rubber, crude and latex.
Shellac.
Sisal.
Tin, in bars, blocks and pigs.
Tungsten.
Wax carnauba.

§ 8–6.203 Unreasonable cost determination.

§ 8–6.203–3 Deviations by agency head.

When a Contracting Officer believes that it would be advantageous to the Government to deviate from the provision of FPR 1–6.203–1 authority to consummate the contract will be requested. The request containing all the facts, including a comparison of the bids or offers received and any other pertinent information may be made, will be submitted through channels to the Assistant Administrator for Construction for approval by the Administrator. If approved, a report of the transaction will be prepared and transmitted by the As-

sistant Administrator for Construction in accordance with Executive Order No. 10582, dated December 17, 1954.

§ 8–6.204 Invitation provision.

The provision required by FPR 1–6.204 shall be incorporated in and made a part of each construction contract. Each such contract shall also include the excepted items listed in § 8–6.202–1.

21. Subpart 8–6.50 is revoked.

Subpart 8–6.50—Buy American Act—Supply and Service Contracts [Revoked]

PART 8–10—BONDS AND INSURANCE

22. In Part 8–10, Subpart 8–10.1 is revised to read as follows:

Subpart 8–10.1—Bonds

AUTHORITY: The provisions of this Subpart 8–10.1 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–10.1—Bonds

§ 8–10.103 Bid guarantees.

§ 8–10.103–50 Safekeeping and return of bid guaranty.

(a) Certified checks or other negotiable security furnished as bid security with the three lowest acceptable bids will be retained in a safe. These will be returned by certified mail or in person upon presentation of proper receipt therefore after contract and bonds have been signed and approved.

(b) Certified checks or other negotiable security furnished in support of other than the three lowest acceptable bids should be returned promptly to the respective bidders by certified mail, or in person upon presentation of proper receipt therefor.

(c) Commercial bid bonds are not returned unless specifically requested by the bidders, and, even if requested by any of the three low bidders, are not returned until contract and bonds have been executed by the successful bidder, or all bids have been rejected.

§ 8–10.104 Performance bonds.

§ 8–10.104–1 Construction contracts.

Pursuant to the provisions of 40 U.S.C. 270a, if the amount of the contract is in excess of $2,000, the contractor will be required to furnish a performance bond, Standard Form 25, in a penal sum amounting to 100 percent of the amount of the contract.

23. Subparts 8–10.2 and 8–10.4 are added to read as follows:

Subpart 8–10.2—Sureties on Bonds

AUTHORITY: The provisions of this Subpart 8–10.2 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–10.2—Sureties on Bonds

§ 8–10.204–1 United States bonds or notes.

Contracting Officers, with the exception of those located in the District of Columbia, receiving United States bonds or notes in lieu of corporate or individual sureties will forward such bonds and notes to the agent cashier for safekeeping. Contracting Officers in the District of Columbia will deposit such bonds and notes with the Treasurer of the United States.

§ 8–10.204–2 Certified or cashier's checks, bank drafts, money orders, currency, or irrevocable letters of credit.

Contracting Officers receiving a certified or cashier's check, bank draft, Post Office money order or currency in lieu of corporate or individual sureties will deposit them with the agent cashier.

Subpart 8–10.4—Insurance Under Fixed-Price Contracts

§ 8–10.450 Service contracts.

(a) When there are service contracts involving Government property, commercial insurance or evidence of financial responsibility may be required for protection against theft, loss, damage or destruction of Government property, or personal injury to employees or other persons, arising as a result of the performance of such contracts.

(b) Insurance requirements should be adequate but at the same time just and reasonable. Generally, such requirements will be predicated on potential loss or damage and not necessarily on the value of the contract. When it is determined that coverage is necessary, evidence of financial responsibility satisfactory to the contracting officer will be accepted in lieu of commercial insurance. Such evidence may be in the form of a qualified self-insurance program, or an irrevocable letter of credit. Acceptable evidence of financial responsibility may also be in the form of a letter in which the contractor agrees to accept financial responsibility and further states that he is financially able to meet all claims up to the amount requested in the invitation for bid.

(c) Determination as to types of insurance (i.e. personal liability or property damage), amount of coverage and any related insurance requirements for inclusion in invitations and resultant contracts shall be made by the Contracting Officer. Legal, technical and financial assistance may be obtained from appropriate Veterans Administration officials when making insurance requirement determinations. All premiums or costs incident to compliance with an insurance requirement shall be paid by the contractor.

(d) Bids received which do not include insurance policies, certificate of insurance endorsement to existing insurance policies or acceptability evidence of self-insurance in the amount required by the invitation to bid will be considered nonresponsive.

24. The headnote of Subpart 8–10.50 is amended to read as follows:

Subpart 8–10.50—Performance and Payment Bonds

25. In Subpart 8–10.50, §§ 8–10.5000 and 8–10.5001 are revoked.

§ 8–10.5000 Prohibition against use. [Revoked]

§ 8–10.5001 Amount required. [Revoked]

PART 8–11—FEDERAL, STATE, AND LOCAL TAXES

26. In Part 8–11, § 8–11.000 is added to read as follows:

§ 8–11.000 Scope of part.

The problems presented in connection with the administration of tax aspects of a contract or transaction are widely varied. These problems are essentially legal; therefore, when questions arise, the Contracting Officer will request, through channels, legal advice from the General Counsel.

27. Subpart 8–11.2 is revised to read as follows:

Subpart 8–11.2—Exemptions From Federal Excise Taxes

§ 8–11.203 Supplies and services for the exclusive use of the United States.

The Veterans Administration is exempt from the Federal excise taxes imposed on playing cards, filled cheese, tobacco products, whiskey, and alcohol when such items are purchased from factories by the Veterans Administration for use in its medical care program.

28. Subpart 8–11.3 is revoked.

Subpart 8–11.3—State and Local Taxes [Revoked]

29. A new subpart 8–11.5 is added to read as follows:

Subpart 8–11.5—Tax Exemption Forms

§ 8–11.502–1 Types of evidence of exemption.

(a) *Tobacco products.* No tax exemption form or certificate is required for the tax-free purchase of tobacco products. An extra copy of the purchase order will be provided the manufacturer to facilitate his recordkeeping.

(b) *Whiskey, alcohol, specially denatured alcohol and denatured alcohol.* Authority is hereby delegated to the Chief, Marketing Division for Drugs and Chemicals, Veterans Administration Supply Depot, Somerville, N.J., and in his absence to the employees assigned the duties and responsibilities of this position, to sign application permits, on Treasury Department prescribed forms, which are continuing permits to procure these items tax free from bonded warehouses. Each procurement will be sup-

ported by the proper Treasury Department permit form.

(c) *Playing cards and filled cheese.* No tax exemption form is required for the tax free purchase of playing cards or filled cheese. Treasury regulations require that manufacturers be furnished a certification of tax exemption substantially as shown in this section. Where removals from the same place of manufacture are regular or made frequently, a certificate covering all orders for a specific period not to exceed four quarters may be furnished. Otherwise a separate exemption certificate shall be furnished for each order. Contracting Officers are authorized to sign such certification.

EXEMPTION CERTIFICATE

(To support tax-free removals of filled cheese or playing cards for the use of the United States under provisions of section 7510 of the Internal Revenue Code of 1954.)

----------, 19--

The undersigned hereby certifies that he is a contracting officer of the Veterans Administration; that he is authorized to execute this certificate; and that the article or articles specified in the accompanying order or on the reverse side hereof are purchased from ---------- for the exclusive use of
(Name of vendor)
the Veterans Administration of the United States.

It is understood that the exemption from tax in the case of removals of articles under this exemption certificate for the United States is limited to the removal of articles for its exclusive use. The undersigned understands that if articles purchased tax free under this exemption certificate are used otherwise or are sold to employees or others, such fact will be promptly reported to the manufacturer, producer, or importer of the article or articles covered by this certificate. It is also understood that the fraudulent use of this certificate for the purpose of securing this exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than 5 years, or both, together with costs of prosecution.

(Signature)

(Address)

(d) *Tax exemption forms.* (1) SF 1094 will be furnished the vendor to claim exemption from payment of State and local taxes when the purchase price excludes such taxes. This form will be used by the United States Government as the basis for billing taxing authorities for refund of taxes paid, when the vendor refuses to sell at a price exclusive of such taxes.

(2) SF 1094 will not be furnished the vendor or used by the United States Government to claim reimbursement from the taxing authority, where the amount of each tax (State or local), on any one purchase is $1.00 or less.

PART 8–16—PROCUREMENT FORMS

30. In Part 8–16, Subpart 8–16.50 is revoked.

Subpart 8–16.50—Forms for Negotiated Construction Contracts [Revoked]

31. Part 8–18 is revoked.

PART 8–18—CONTRACT FINANCING [REVOKED]

32. A new Part 8–30 is added to read as follows:

PART 8–30—CONTRACT FINANCING

Subpart 8–30.4—Advance Payments

Sec.
8–30.403 Interest.
8–30.404 Standards—amounts—need.
8–30.405 Statutory requirements.

Subpart 8–30.5—Progress Payments Based on Costs

8–30.505 Unusual progress payments—standards—procedure.

Subpart 8–30.7—Assignment of Claims

8–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.

AUTHORITY: The provisions of this Part 8–30 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–30.4—Advance Payments

§ 8–30.403 Interest.

Except as provided in FPR 1–30.403, interest at the rate of 5 per centum per annum will be charged on the unliquidated balance on all advance payments.

§ 8–30.404 Standards—amounts—need.

Contracting Officers will require that contractors requesting advance payments submit evidence that all other forms of contract financing are not available.

§ 8–30.405 Statutory requirements.

The determination required by FPR 1–30.405(c) will be made by the Director, Supply Service, Department of Medicine and Surgery. Prior to award, Contracting Officers will submit, through channels, the information required by FPR 1–30.412 for such determinations.

Subpart 8–30.5—Progress Payments Based on Costs

§ 8–30.505 Unusual progress payments—standards—procedure.

Requests for unusual progress payments within the meaning of FPR 1–30.505 will be forwarded through channels to the Director, Supply Service, Department of Medicine and Surgery, for approval. Such requests shall be accompanied by a full justification from the contractor together with the recommendations of the Contracting Officer.

Subpart 8–30.7—Assignment of Claims

§ 8–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.

(a) The Contracting Officer will file the retained copy of the notice of assignment and the certified copy of the original instrument of assignment with the General Accounting Office copy of the contract.

(b) Contracting Officers will notify field stations of any recognized assignment of payments under contracts executed in Central Office or by the Marketing Divisions in all cases where payment for articles and services under such contracts are certified and approved for payment in the field.

PART 8–52—CONTRACT ADMINISTRATION

33. In Part 8–52, § 8–52.101 is revised to read as follows:

§ 8–52.101 Scope.

This subpart applies to all contracts whether advertised or negotiated, except those construction contracts entered into by Central Office Construction Contracting Officer.

34. Section 8–52.104 is added to read as follows:

§ 8–52.104 Final release clause.

Any final release or other contractual instruments entered into as a result of a decision by a board of contract appeals, the head of an agency, or a Contracting Officer under a contract disputes clause shall contain a provision substantially as follows:

FINAL RELEASE CLAUSE

It is further understood and agreed by the Government and the contractor named hereon, that this release is executed subject to the standards prescribed in the Wunderlich Act (41 U.S.C. 321, 322). Therefore, this release shall neither deprive the Government nor the contractor of the right of further administrative and judicial review, if any of the decisions rendered pursuant to the disputes clause of this contract are later found not to meet the standards of the Wunderlich Act.

35. Section 8–52.107 is revoked.

§ 8–52.107 Disputes. [Revoked]

36. A new Subpart 8–52.2 is added to read as follows:

Subpart 8–52.2—Sale, Transfer or Change

Sec.
8–52.201 Documents necessary.
8–52.202 Method of obtaining evidence.
8–52.203 Documents necessary for change of name.

AUTHORITY: The provisions of this Subpart 8–52.2 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–52.2—Sale, Transfer or Change in Name of Business

§ 8–52.201 Documents necessary.

Where a change of contractor is brought about through the sale or transfer, in whole or part, of a business holding a Veterans Administration contract, the following documentation is required.

(a) Statement over the signature of the new owner or corporation that he or it undertakes and agrees to furnish the services or supplies in accordance with the original agreement.

(b) Statement over the signature of the original contractor waiving all rights under the contract as against the United States.

(c) Evidence of the sale or transfer. Distribution of these documents will be the same as for the original contract.

§ 8–52.202 Method of obtaining evidence.

In the case of a corporation, a certified copy of the minutes of the meeting of the Board of Directors at which the sale was effected or authorized will be secured. In all cases, a certified copy of the recorded instrument of sale or a certificate from the Clerk of the Court where the sale is recorded setting forth the principal facts of the transaction and a statement that it has been made a matter of record will be secured. Where no formal instrument of sale has been exchanged or recorded, a signed statement by former and new owner will be obtained.

§ 8–52.203 Documents necessary for change of name.

Where only the name of the firm has been changed, a statement to that effect will be secured over the signature of the owner, all partners or a recognized officer of the corporation, whichever is applicable. Distribution of the statement will be the same as for the contract.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective date of approval.

Approved: April 2, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 65–3750; Filed, Apr. 9, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3597]

[Wyoming 0310202]

NEBRASKA

Withdrawal for Merritt Dam and Reservoir, Missouri River Basin Reclamation Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described national forest lands in the Nebraska National Forest, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Merritt Dam and Reservoir, Ainsworth Unit, Missouri River Basin Project.

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 31 W.,
Sec. 25, S½NE¼;
Sec. 26, N½NW¼, S½SW¼.

The areas described aggregate 240 acres.

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

APRIL 5, 1965.

[F.R. Doc. 65–3741; Filed, Apr. 9, 1965; 8:46 a.m.]

[Public Land Order 3598]

[Nevada 065233]

NEVADA

Withdrawing Lands for Alkali Lake Wildlife Management Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for management in cooperation with the State of Nevada for the Alkali Lake Wildlife Management Area:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 23 E.,
Sec. 1, Lots 1 to 4, incl., S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 2, Lots 1 to 4, incl., S½N½, SW¼, and N½SE¼;
Sec. 3, Lots 1, 2, S½NE¼, S½SW¼, and SE¼;
Sec. 12, E½, E½NW¼, and SW¼.
T. 13 N., R. 23 E.,
Sec. 34, S½SE¼;
Sec. 35, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 36, S½N½ and S½.
T. 12 N., R. 24 E.,
Sec. 6, Lots 3 to 7 incl., SE¼NW¼ and NE¼SW¼.
T. 13 N., R. 24 E.,
Sec. 31, Lots 3, 4 and E½SW¼.

The areas described aggregate 3,487.80 acres.

2. Upon execution of a cooperative agreement with the Secretary of the Interior, or his delegate, the State of Nevada is authorized to manage the withdrawn lands for the conservation of small game and waterfowl and as a public hunting ground, consistent with Federal programs for the management of the lands.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses, contracts or permits, will be issued only if the proposed use of the lands will not interfere with the proper management of the Alkali Lake Wildlife Management Area.

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

APRIL 5, 1965.

[F.R. Doc. 65–3742; Filed, Apr. 9, 1965; 8:46 a.m.]

[Public Land Order 3599]

[Colorado 0124487]

COLORADO

Partly Revoking Public Water Reserves Nos. 19 and 107

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Orders of May 4, 1914, and April 17, 1926, creating Public Water Reserves 19 and 107, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 S., R. 55 W.,
Sec. 8, E½E½.
T. 34 S., R. 54 W.,
Sec. 28, NE¼SE¼.
T. 5 S., R. 99 W.,
Sec. 17, N½SW¼, SW¼SW¼, SW¼SE¼.
T. 4 S., R. 99 W.,
Sec. 10, S½NE¼, N½SE¼.
T. 5 S., R. 97 W.,
Sec. 35, NW¼.

The areas described aggregate approximately 680 acres of nonpublic land.

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

APRIL 5, 1965.

[F.R. Doc. 65–3743; Filed, Apr. 9, 1965; 8:47 a.m.]

[Public Land Order 3600]

[Montana 063214]

MONTANA

Withdrawal for Bureau of Land Management Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), and reserved for an administrative site:

Tract "N" containing 3.45 acres, and that portion of Tract "C", as shown on the supplemental plat of Tps. 7 and 8 N., R. 47 E., Principal Meridian, Montana, accepted March 23, 1927, which is described as follows: Beginning at corner 5, Tract "O", as shown on the supplemental plat accepted July 10, 1957,

which point is located on line 1–11, Tract "C" 669.64 ft. from corner 11, Tract "C", thence N. 61°52' W., along line 5–1, Tract "O", 652.48 ft. to common corners 1 of Tracts "N" and "O", thence S. 28°08' W., along line 1–4, Tract "N", common with line 1–2, Tract "O", 130.37 ft. to the point of intersection with line 1–11, Tract "C", thence S. 73°10' E., along line 1–11, Tract "C", 665.38 ft. to the point of beginning, containing 0.98 acres more or less.

The areas described aggregate 4.43 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

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

APRIL 5, 1965.

[F.R. Doc. 65-3744; Filed, Apr. 9, 1965; 8:47 a.m.]

[Public Land Order 3601]

[Riverside 03549, 03808]

CALIFORNIA

Withdrawal for Petrographic Sites; Partly Revoking Executive Order 5182 of August 29, 1929

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for protection of important petroglyphs and other archeological values:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 32 E.,
Sec. 27, S½;
Sec. 34, N½.
T. 4 S., R. 32 E.,
Sec. 24, S½;
Sec. 25, N½;
Sec. 26.

The areas described aggregate approximately 1,920 acres.

2. Executive Order No. 5182 of August 29, 1929, which temporarily withdrew certain lands for classification, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 3 S., R. 32 E.,
Sec. 34, NW¼.

Containing about 160 acres.

3. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

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

APRIL 5, 1965.

[F.R. Doc. 65-3745; Filed, Apr. 9, 1965; 8:47 a.m.]

[Public Land Order 3602]

[Fairbanks 031013]

ALASKA

Revoking Executive Orders No. 4719 and No. 5352; Reindeer Experiment Stations

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 State. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Orders No. 4719 of September 12, 1927, and No. 5352 of May 23, 1930, which withdrew public lands in Alaska for experiment station purposes, and which have previously been revoked in part by Public Land Order No. 882 of February 2, 1953, are hereby revoked in their entirety.

The lands affected by this order, and which are described below, have been conveyed to the State of Alaska pursuant to section 6(e) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 340):

FAIRBANKS MERIDIAN

T. 1 N., R. 1 W.,
Sec. 27, W½SW¼ and SE¼SW¼;
Sec. 28, S½;
Sec. 29, S½SE¼;
Sec. 34, N½, N½S½, and SE¼SE¼;
Sec. 35, W½ and W½E½.

The areas described aggregate 1,520 acres.

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

APRIL 5, 1965.

[F.R. Doc. 65-3746; Filed, Apr. 9, 1965; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-39]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

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

The following controlled airspace is presently designated in the Marion, Ill., terminal area:

The Marion, Ill., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Southern Illinois Airport, Carbondale, Ill. (latitude 37°46'50'' N., longitude 89°15'10'' W.), and within 2 miles either side of the 339° bearing from the Southern Illinois Airport extending from the 5-mile radius area to 8 miles N of the airport, within a 5-mile radius of the Williamson County Airport, Marion, Ill. (latitude 37°45'15'' N., longitude 89°00'40'' W.), and within 2 miles either side of the 034° bearing from the Williamson County Airport extending from the 5-mile radius area to 8 miles NE of the airport; and the airspace extending upward from 1200 feet above the surface bounded by a line beginning at latitude 37°39'00'' N., longitude 88°-48'00'' W., thence to latitude 37°35'00'' N., longitude 89°23'30'' W., thence to latitude 37°54'00'' N., longitude 89°30'-00'' W., thence to latitude 37°59'00'' N., longitude 89°16'00'' W., thence to latitude 37°56'25'' N., longitude 89°01'55'' W., thence to latitude 37°57'50'' N., longitude 89°00'30'' W., thence to latitude 37°55'18'' N., longitude 88°55'55'' W., thence to latitude 37°54'00'' N., longitude 88°48'00'' W., thence to the point of beginning.

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

1. Designate the Marion, Ill., control zone as that airspace within a 5-mile radius of the Williamson County Airport (latitude 37°45'15'' N., longitude 89°00'-40'' W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. Redesignate the Marion, Ill., transition area as that airspace extending upward from 700 feet above the surface bounded by a line beginning E of Marion, Ill., at latitude 37°43'00'' N., longitude 88°52'00'' W., thence SW to latitude 37°32'50'' N., longitude 88°59'00'' W., thence NW to latitude 37°43'00'' N., longitude 89°22'25'' W., thence N to latitude 37°54'10'' N., longitude 89°28'20'' W., thence E to latitude 37°58'45'' N., longitude 89°13'10'' W., thence E to latitude 37°54'30'' N., longitude 88°52'00'' W., thence S to the beginning.

A new terminal VOR facility is to be commissioned on the Williamson County Airport, Marion, Ill., in July 1965. New public approach procedures are to become effective concurrent with the commissioning of this new facility. The requisite communication capability will be provided by the Cape Girardeau, Mo., Flight Service Station. Ozark Air Lines will provide weather reporting service, initially from 0800 to 2100 hours local time daily.

The proposed 5-mile radius control zone will protect aircraft executing departures and missed approach procedures until reaching an altitude of 700 feet above the surface. The control zone extension will provide protection for aircraft executing the new approach procedures, when descending below an altitude of 1,000 feet above the surface. The proposed transition area will protect aircraft holding, transitioning and executing approach procedures at both the Williamson County Airport and the Southern Illinois Airport, Carbondale, Ill. The effective time of the control zone will be dependent upon the availability of airman weather reporting services and may be changed from time to time.

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

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

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

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

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

Issued at Kansas City, Mo., on March 31, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-3724; Filed, Apr. 9, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-SO-44]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the existing control zone and designate a transition area at Jackson, Miss.

The Jackson, Miss., control zone is presently designated within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40'' N., longitude 90°04'33'' W.); within a 5-mile radius of Hawkins Field, Jackson, Miss. (latitude 32°20'01'' N., longitude 90°13'19'' W.); within a 3-mile radius of Bruce Campbell Field, Jackson, Miss. (latitude 32°26'45'' N., longitude 90°06'00'' W.); within 2 miles NE and 3 miles SW of the Jackson VORTAC 156° radial, extending from the Allen C. Thompson Field 5-mile radius zone to the VORTAC; within 2 miles each side of the Jackson VORTAC 195° radial, extending from the Hawkins Field 5-mile radius zone to the VORTAC; within 2 miles each side of the 002° bearing from the Jackson RBN, extending from the Hawkins Field 5-mile radius zone to 8 miles N of the RBN; and within 2 miles each side of the Jackson VORTAC 139° radial, extending from the Bruce Campbell Field 3-mile radius zone to the VORTAC.

Having completed a comprehensive review of the terminal airspace structure requirements in the Jackson, Miss., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), the Federal Aviation Agency proposes the airspace actions hereinafter set forth.

1. The Jackson, Miss., control zone would be redesignated within a 5-mile radius of Allen C. Thompson Field (latl-

tude 32°18'39.5" N., longitude 90°04'31" W.); within a 5-mile radius of Hawkins Field (latitude 32°20'09" N., longitude 90°13'13.5" W.); within a 3-mile radius of Bruce Campbell Field, Madison, Miss. (latitude 32°26'16" N., longitude 90°06'06" W.); within 2 miles each side of the Jackson VORTAC 195° radial extending from the Hawkins Field 5-mile radius zone to 1 mile S of the VORTAC; within 2 miles each side of the Jackson VORTAC 157° radial extending from the Allen C. Thompson Field 5-mile radius zone to 1 mile SE of the VORTAC and to 6 miles SE of the airport; within 2 miles each side of the Jackson VORTAC 141° radial extending from the Bruce Campbell Field 3-mile radius zone to 1 mile SE of the VORTAC; within 2 miles each side of the Jackson VORTAC 142° radial extending from the Bruce Campbell Field 3-mile radius zone to 7.5 miles SE of the airport.

2. A Jackson, Miss., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Allen C. Thompson Field (latitude 32°18'39.5" N., longitude 90°04'31" W.); within a 6-mile radius of Hawkins Field (latitude 32°20'09" N., longitude 90°13'13.5" W.); within a 5-mile radius of Bruce Campbell Field, Madison, Miss. (latitude 32°26'16" N., longitude 90°06'06" W.); within 2 miles each side of the Jackson VORTAC 195° radial extending from the VORTAC to 1 mile S; within 2 miles each side of the Jackson VORTAC 141° radial extending from the VORTAC to 1 mile SE; within 2 miles each of the Allen C. Thompson Field ILS localizer N course extending from the control zone to 8 miles N of the OM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius circle centered at latitude 32°26'30" N., longitude 90°05'00" W., excluding the portion which coincides with the Yazoo City, Miss., transition area.

The proposed control zone is needed to protect aircraft executing IFR approach and departure procedures at the three airports while such aircraft are maneuvering below 1,000 feet above the terrain. The transition area having a floor of 700 feet above the surface is needed to protect these aircraft while they are maneuvering between 1,000 feet and 1,500 feet above terrain.

The proposed transition area having a floor of 1,200 feet above the surface is required to protect holding patterns, transition routes, approach and departure procedures, and radar vectoring in the Jackson, Miss., terminal 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, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in East Point, Ga., on April 1, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-3725; Filed, Apr. 9, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-24]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Shelbyville, Tenn., transition area which becomes effective 0001 e.s.t., May 27, 1965 (Airspace Docket No. 64-SO-45) (30 F.R. 3640).

A VOR facility is proposed to be established at latitude 35°33'43" N., longitude 86°26'20" W. and an instrument approach procedure to Bomar Field utilizing this facility will be published under Part 97 of the Federal Aviation Regulations. In order to provide an appropriate transition area for the protection of this procedure, the Federal Aviation Agency proposes the airspace action hereinafter set forth.

The Shelbyville transition area, to become effective May 27, 1965, is presently described as follows:

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.

The Shelbyville transition area would be redesignated to include the following additional airspace:

That airspace extending upward from 700 feet above the surface within 8 miles W and 5 miles E of the Shelbyville VOR 196° radial, extending from the VOR to 12 miles S.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in East Point, Ga., on April 1, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-3726; Filed, Apr. 9, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78, 79]

[Docket No. 3666; Notice 67]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

MARCH 26, 1965.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth in Appendix A below and the reasons therefor are listed in Appendix B below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before April

26, 1965. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

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

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

APPENDIX A

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–79 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (29 F.R. 18654, 18655, 18658, 18661, 18664, 18665, 18666, Dec. 29, 1964) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Aldrin	Pois. B	73.364, 73.376	Poison	200 pounds.
Automobiles, motorcycles, tractors or other self-propelled vehicles.	See §§ 73.120, 73.306.			
Matches, block. See Matches, strike anywhere.				
Trailer or truck body with refrigerating or heating equipment on flat cars.	See §§ 73.120 (c), 73.306.			
Add				
*Beryllium compounds, n.o.s	Pois. B	73.364, 73.365	do	Do.
Dichloroisocyanuric acid, dry, containing more than 39% available chlorine.	Oxy. M	73.153, 73.217	Yellow	100 pounds.
Potassium dichloroisocyanurate, dry, containing more than 60% available chlorine.	do	73.153, 73.217	do	Do.
Sodium dichloroisocyanurate, dry, containing more than 39% available chlorine.	do	73.153, 73.217	do	Do.
Trichloroisocyanuric acid, dry, containing more than 39% available chlorine.	do	73.153, 73.217	do	Do.
Cancel				
Beryllium metal powder	Pois. B	No exemption, 73.378	Poison	25 pounds.
Methyl bromide mixture, liquid (containing no class A poison).	do	No exemption, 73.353	do	33 gallons.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.31 amend (a) (2) Note 6; amend Footnote n to paragraph (c) (10) (29 F.R. 18674, 18675, Dec. 29, 1964) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

(a) * * *
(2) * * *

NOTE 6: The test pressures of tanks built in the United States prior to January 1, 1956, may be increased to comply with current spec. ICC–107A except that tanks built prior to 1941 are not so authorized. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.

* * * * *

(c) * * *
(10) * * *

[n] If the alternate safety relief valve start-to-discharge pressure setting is used, the start-to-discharge pressure of safety relief valves shall be in accordance with the provisions of § 79.102–11 of this chapter.

* * * * *

In § 73.33 amend paragraph (m) (7) (29 F.R. 18679, Dec. 29, 1964) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks.

* * * * *

(m) * * *

(7) Liquid pumps or gas compressors, wherever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

* * * * *

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.115 amend paragraph (a) (29 F.R. 18700, Dec. 29, 1964) to read as follows:

§ 73.115 Flammable liquids; definitions.

(a) A flammable liquid for the purpose of Parts 71–79 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester,[1] as used for test of burning oils) at or below a temperature of 80° F.

* * * * *

In § 73.116 amend the introductory text of paragraph (g) (29 F.R. 18701, Dec. 29, 1964) to read as follows:

§ 73.116 Outage.

* * * * *

(g) Outage chart for flammable liquids loaded in uninsulated tank cars:

(No change in chart and remainder of paragraph (g).)

* * * * *

In § 73.132 add paragraph (b) (29 F.R. 18707, Dec. 29, 1964) to read as follows:

§ 73.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

* * * * *

(b) Cements, except cements containing carbon bisulfide, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

In § 73.144 add paragraph (b) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.144 Inks.

* * * * *

(b) Ink in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by rail express, such shipments are exempt from specification

[1] American Society for Testing and Materials standard method of test for flash point of volatile flammable materials by tag open-cup apparatus (D 1310–63).

packaging, marking and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.157 amend paragraph (a)(4) (29 F.R. 18711, Dec. 29, 1964) to read as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, benzoyl peroxide wet with at least 30 percent water, and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch except for benzoyl peroxide wet with at least 30 percent water, which shall require a minimum thickness of 0.004 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide, 100 pounds for dimethylhexane dihydroperoxide, and 225 pounds for benzoyl peroxide.

In § 73.204 amend paragraph (a)(6) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.204 Sodium hydrosulfite.

(a) * * *

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight of product not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

* * * * *

In § 73.206 add paragraph (a)(10); cancel paragraph (c)(4) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(a) * * *

(10) Stainless steel tubes having welded end caps containing not over 50 grams of metallic sodium, metallic lithium, metallic potassium, or sodium potassium alloy liquid, each. Each tube must be inserted in an aluminum carrier tube. Containers must be approved by the Bureau of Explosives. Authorized only for metallic sodium, metallic lithium, metallic potassium, and sodium potassium alloy, liquid.

* * * * *

(c) * * *

(4) [Cancelled]

* * * * *

In § 73.217 amend the heading and introductory text of paragraph (a); add paragraph (a)(4); amend paragraph (b) (29 F.R. 18721, Dec. 29, 1964) to read as follows:

§ 73.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

(a) Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry, each containing more than 39 percent available chlorine must be packed in specification containers as follows:

* * * * *

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums with commodity packed in a securely closed polyethylene bag liner constructed of polyethylene film not less than 0.004 inch thickness. Not authorized for calcium hypochlorite compounds and lithium hypochlorite compounds, dry.

(b) Strong outside wooden or fiberboard packages with inside containers of glass not over five pounds capacity each, or with metal containers or plastic bottles not over ten pounds capacity each, are exempt from specification packaging, marking and labeling when offered for transportation by rail freight, rail express or highway. When for transportation by water, strong wooden or fiberboard containers with inside containers of glass not over five pounds capacity each, or with metal containers or plastic bottles not over ten pounds capacity each, are exempt from specification packaging only. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.256 amend paragraph (a)(5) (29 F.R. 18729, Dec. 29, 1964) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) * * *

(5) Spec. 6D or 21C (§ 78.102 or 78.224 of this chapter). Cylindrical steel overpacks or fiber drums with inside spec. 2U (§ 78.24 of this chapter) polyethylene container not over 15 gallons capacity. (See § 78.224–1(a)(2) of this chapter.)

In § 73.263 amend the introductory text of paragraph (a); amend paragraphs (a) (10) and (12) (29 F.R. 18731, 18732, Dec. 29, 1964) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution not exceeding 42 percent sodium chlorite, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid must be packed in specification containers as follows:

* * * * *

(10) Specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined spec. MC 311 tank motor vehicles made from type 304L stainless steel authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

* * * * *

(12) Spec. 103C–W (§§ 79.200 and 79.201 of this chapter). Tank cars having tanks of type 304L stainless steel. Authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

* * * * *

In § 73.281 amend paragraph (a)(2) (29 F.R. 18740, Dec. 29, 1964) to read as follows:

§ 73.281 Benzyl bromide (bromotoluene, alpha).

(a) * * *

(2) Spec. 5K or 5M (§ 78.88 or 78.90 of this chapter). Nickel or monel barrels or drums. Spec. 5M drums shall not be over 10 gallons capacity.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.300 amend paragraph (g) (29 F.R. 18743, Dec. 29, 1964) to read as follows:

§ 73.300 Definitions.

* * * * *

(g) *Filling density.* The term "filling density" shall designate the percent ratio of the weight of gas in a container to the weight of water that the container will hold at 60° F. when filled to the lowermost inlet of any excess pressure relief valve on the container. (One pound of water equals 27.737 cubic inches at 60° F.) For example, for a liquefied petroleum gas of 0.504/0.510 specific gravity, a 100-pound cylinder holds 238.1 pounds of water and the filling density is 42 percent; therefore the amount of gas permitted is 0.42 x 238.1 or 100 pounds.

* * * * *

In § 73.302 add paragraph (a)(3); amend the introductory text of paragraph (c) (29 F.R. 18744, Dec. 29, 1964) to read as follows:

§ 73.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

(3) Spec. 3AX or 3AAX (§ 78.36 or 78.37 of this chapter) are authorized for the following nonliquefied gases: air, argon, helium, hydrogen, nitrogen, and oxygen.

* * * * *

(c) *Special filling limits for specs. 3A, 3AA, 3AX and 3AAX cylinders.* Specs. 3A, 3AA, 3AX and 3AAX (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

* * * * *

In § 73.314 amend paragraph (c) Table (29 F.R. 18748, 18749, Dec. 29, 1964) as follows:

§ 73.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required tank car (see § 73.31(a) (2) and (3))
Change		
Anhydrous ammonia.	*Percent* 50	ICC-106A500-X, Note 7.
	57	ICC-105A300-W.
	57	ICC-112A400-F, 112A340-W, 114A340-W, Note 15.
	58.8	ICC-112A400-F, 112A340-W, 114A340-W, Note 15.
* *	*	* *
Butadiene (pressure not exceeding 255 pounds per square inch at 115° F.), inhibited.	Notes 18 and 21.	ICC-112A340-W, 114A340-W, Notes 4 and 20.
* *	*	* *

* * * * *

In § 73.315 amend paragraph (a)(1) Table in its entirety; in Note 11 thereto amend only the first sentence (29 F.R. 18751, Dec. 29, 1964) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
Anhydrous ammonia	56	82; see Note 5	ICC-51, MC-330, MC-331; see Note 12.	265.
Anhydrous dimethylamine	59	See Note 7	ICC-51, MC-330, MC-331.	150.
Anhydrous monomethylamine	60	do	do	150.
Anhydrous trimethylamine	57	do	do	150.
Aqua ammonia solution containing anhydrous ammonia.	See par. (c) of this section.	do	MC-330, MC-331; see Note 12.	109; see par. (c)(1) of this section.
Butadiene, inhibited	See par. (b) of this section.	See par. (b) of this section.	ICC-51, MC-330, MC-331.	100.
Carbon dioxide, liquefied	See par. (c) of this section.	95	do	200; see Note 3.
Chlorine	125	See Note 7	MC-330, MC-331	225; see Notes 4 and 8.
Dichlorodifluoromethane (see Note 9).	119	do	ICC-51, MC-330, MC-331.	150.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 9).	See par. (c) of this section.	do	MC-330, MC-331	250.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (see Note 9).	119	do	ICC-51, MC-330, MC-331.	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture (see Note 9).	See par. (c) of this section.	do	do	150.
Difluoroethane	79	do	MC-330, MC-331	150.
Hexafluoropropylene	110	do	do	250.
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC-51, MC-330, MC-331.	See par. (c) (1) of this section.
Methyl chloride	84	88.5	do	150.
Methyl chloride (optional portable tank 2,000 pounds water capacity, fusible plug).	84	See Note 6	ICC-51	225.
Methylmercaptan	80	90	ICC-51, MC-330, MC-331.	100.
Monochlorodifluoromethane (see Note 9).	105	See Note 7	do	250.
Nitrous oxide	See par. (c) of this section.	95	do	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	do	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	do	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000-2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC-51	225.
Vinyl chloride	84 (see Note 13)	See Note 7	MC-330, MC-331	150.
Vinyl fluoride, inhibited	66	do	do	250; see Note 11.

* * * * *

NOTE 11: Before an MC-330 or MC-331 (§ 78.336 or 78.337 of this chapter) cargo tank may be used for the transportation of vinyl fluoride, inhibited, the following requirements must be met: Tanks must be designed for a service temperature of minus 100° F. or below and comply with the requirements for "Low Temperature Operation of the A.S.M.E. Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels."

(No change in remainder of Note 11.)

* * * * *

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a)(26) (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *

(26) Spec. 12B or 12A (§ 78.205 or 78.210 of this chapter). Fiberboard boxes with inside polyethylene bottles having a minimum wall thickness of 0.015 inch and provided with screw-cap closures, not over 1-gallon capacity each. Except for polyethylene bottles having a minimum wall thickness exceeding 0.015 inch, each bottle shall be enclosed in a box constructed of at least 200-pound test (Mullen or Cady) corrugated fiberboard and not more than four such boxes shall be packed in one outside specification shipping container. When spec. 12A boxes are used, shipper must have established that completed package meets test requirements prescribed by § 78.210-10 of this chapter.

In § 73.353 amend paragraph (d) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

* * * * *

(d) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) not over 5¼ gallons marked capacity each and having no opening exceeding 2.3 inches in diameter. Authorized only for mixtures of methyl bromide and ethylene dibromide, liquid containing not over 40 percent by weight of methyl bromide.

* * * * *

In § 73.364 amend the introductory text of paragraph (a) (29 F.R. 18761, Dec. 29, 1964) to read as follows:

§ 73.364 Exemptions for poisonous solids, class B.

(a) Poisonous solids, class B, except cyanides (other than as specified in § 73.370 (b) and (d)), cyanogen bromide

hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (other than as specified in § 73.377(f)) in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

* * * * *

In § 73.365 add paragraph (a)(17) (29 F.R. 18762, Dec. 29, 1964) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) * * *

(17) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container), not over 15-gallons capacity.

In § 73.370 amend paragraph (b)(1) (29 F.R. 18764, Dec. 29, 1964) to read as follows:

§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

* * * * *

(b) * * *

(1) Cyanides, or cyanide mixtures, in tightly closed glass, earthenware, metal, or polyethylene inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 25 pounds.

* * * * *

In § 73.376 amend the Heading and introductory text of paragraph (a) (29 F.R. 18764, Dec. 29, 1964) to read as follows:

§ 73.376 Aldrin and aldrin mixtures, dry, with more than 65 percent aldrin.

(a) Aldrin and aldrin mixtures, dry, with more than 65 percent aldrin, must be packed in specification containers as follows:

* * * * *

In § 73.377 add paragraph (i) (29 F.R. 18765, Dec. 29, 1964) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

* * * * *

(i) Dry mixtures containing more than 2 percent but not exceeding 12 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

(1) Spec. 44D (§ 78.238 of this chapter). Multiwall paper bags not over 50 pounds net weight each. Outer ply to be not less than 60 pounds basis weight.

Cancel entire § 73.378 (29 F.R. 18765, Dec. 29, 1964).

In § 73.395 amend entire paragraph (a) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.395 Cleaning cars and vehicles.

(a) Any railroad car or motor vehicle which, after use for the transportation of radioactive materials in carload or truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier or to the driver of the motor vehicle.

(1) Railroad cars and motor vehicles which are used solely for the transportation of radioactive materials are exempt from the requirements of this section provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in 3-inch lettering in a conspicuous place on the exterior of the car or vehicle.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.402 amend paragraph (a) (10) (29 F.R. 18768, Dec. 29, 1964) to read as follows:

§ 73.402 Labeling dangerous articles.

(a) * * *

(10) "Radioactive materials" label as described in § 73.414(d) on bundles, boxes, barrels or crates of magnesium-thorium alloys, and on packages of uranium, normal or depleted, in solid form as provided for by § 73.392 (e) and (f) respectively.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

In § 74.502 amend paragraph (a)(8) (29 F.R. 18774, Dec. 29, 1964) to read as follows:

§ 74.502 Forbidden explosives.

(a) * * *

(8) New explosives except as provided in § 73.86 of this chapter.

* * * * *

Subpart D—Unloading From Cars

In § 74.566 amend paragraph (d); add paragraph (d)(1) (29 F.R. 18786, Dec. 29, 1964) to read as follows:

§ 74.566 Cleaning cars.

* * * * *

(d) Any railroad car which, after use for the transportation of radioactive materials in carload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier.

(1) Railroad cars which are used solely for the transportation of radioactive materials are exempt from the requirements of this section provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in 3-inch lettering in a conspicuous place on the exterior of the car.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.860 amend paragraph (d); add paragraph (d)(1) (29 F.R. 18809, Dec. 29, 1964) to read as follows:

§ 77.860 Accidents; poisons.

* * * * *

(d) *Cleaning vehicles.* Any motor vehicle which after use for the transportation of radioactive materials in truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 milliroentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished the carrier or to the driver of the motor vehicle.

(1) Motor vehicles which are used solely for the transportation of radioactive materials are exempt from the requirements of this section provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in 3-inch lettering in a conspicuous place on the exterior of the motor vehicle.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

In § 78.36 amend the heading; in § 78.36–2 amend paragraphs (a) and (b); in § 78.36–13 amend paragraph (a); in

§ 78.36–20 amend entire section (29 F.R. 18826, 18827, 18828, Dec. 29, 1964) to read as follows:

§ 78.36 Specification 3A; seamless steel cylinders or 3AX; seamless steel cylinders of capacity over 1,000 pounds water volume.

§ 78.36–2 Type, size and service pressure.[1]

(a) ICC–3A; seamless, not over 1,000 pounds water capacity (nominal) and service pressure at least 150 pounds per square inch.

(b) ICC–3AX; seamless, not less than 1,000 pounds water capacity and service pressure at least 500 pounds per square inch. Cylinders shall meet the following additional conditions:

(1) Assuming the cylinder to be supported horizontally at its two ends only and to be uniformly loaded over its entire length consisting of the weight per unit of length of the straight cylindrical portion filled with water and compressed to the specified test pressure; the sum of two times the maximum tensile stress in the bottom fibers due to bending (Note 1), plus that in the same fibers (longitudinal stress) (Note 2), due to hydrostatic test shall not exceed 80 percent of the minimum yield strength of the steel at such maximum stress. Wall thickness shall be increased when necessary to meet the requirement.

NOTE 1: To calculate the maximum tensile stress due to bending, the following formula shall be used:

$$S=\frac{Mc}{I}$$

NOTE 2: To calculate the maximum longitudinal tensile stress due to hydrostatic test pressure, the following formula shall be used:

$$S=\frac{A_1P}{A_2}$$

where:
S=tensile stress—p.s.i.;

M=bending moment—inch pounds $\frac{(wl^2)}{8}$;

w=weight per inch of cylinder filled with water;
l=length of cylinder—inches;

c=radius $\frac{(D)}{(2)}$ of cylinder—inches;

I=moment of inertia—0.04909 (D^4-d^4) inches fourth;
D=outside diameter—inches;
d=inside diameter—inches;
A_1=internal area in cross section of cylinder—square inches;
A_2=area of metal in cross section of cylinder—square inches;
P=hydrostatic test pressure—p.s.i.

§ 78.36–13 Safety devices and protection for valves, safety devices, and other connections, if applied.

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(d) and 73.301(g) of this chapter).

§ 78.36–20 Marking.

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) When cylinders are constructed to § 78.36–2(a), they shall be marked ICC–3A followed by the service pressure (for example, ICC–3A1800, etc.).

(2) When cylinders are constructed to § 78.36–2(b), they shall be marked ICC–3AX followed by the service pressure (for example, ICC–3AX1800, etc.).

(3) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below or immediately following the ICC mark; location[2] of symbol to just below or immediately following the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized. Examples:

ICC–3A1800
1234
XY

ICC–3A1800–1234–XY

(4) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

In § 78.37 amend the heading; in § 78.37–2 amend paragraphs (a) and (b); in § 78.37–13 amend paragraph (a); in § 78.37–20 amend entire section (29 F.R. 18829, 18830, 18837, Dec. 29, 1964) to read as follows:

§ 78.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 78.37–2 Type, size and service pressure.[1]

(a) ICC–3AA; seamless, not over 1,000 pounds water capacity (nominal) and service pressure at least 150 pounds per square inch.

(b) IC–3AAX; seamless, not less than 1,000 pounds water capacity and service pressure at least 500 pounds per square inch. Cylinders shall meet the following additional conditions:

(1) Assuming the cylinder to be supported horizontally at its two ends only and to be uniformly loaded over its entire length consisting of the weight per unit of length of the straight cylindrical portion filled with water and compressed to the specified test pressure; the sum of two times the maximum tensile stress in the bottom fibers due to bending (Note 1), plus that in the same fibers (longitudinal stress) (Note 2), due to hydrostatic test shall not exceed 80 percent of the minimum yield strength of the steel at such maximum stress. Wall thickness shall be increased when necessary to meet the requirement.

NOTE 1: To calculate the maximum tensile stress due to bending, the following formula shall be used:

$$S=\frac{Mc}{I}$$

NOTE 2: To calculate the maximum longitudinal tensile stress due to hydrostatic test pressure, the following formula shall be used:

$$S=\frac{A_1P}{A_2}$$

where:
S=tensile stress—p.s.i.;

M=bending moment—inch pounds $\frac{(wl^2)}{8}$;

w=weight per inch of cylinder filled with water;
l=length of cylinder—inches;

c=radius $\frac{(D)}{(2)}$ of cylinder—inches;

I=moment of inertia—0.04909 (D^4-d^4) inches fourth;
D=outside diameter—inches;
d=inside diameter—inches;
A_1=internal area in cross section of cylinder—square inches;
A_2=area of metal in cross section of cylinder—square inches;
P=hydrostatic test pressure—p.s.i.

§ 78.37–13 Safety devices and protection for valves, safety devices and other connections, if applied.

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(d) and 73.301(g) of this chapter).

§ 78.37–20 Marking.

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) When cylinders are constructed to § 78.37–2(a), they shall be marked ICC–3AA followed by the service pressure (for example, ICC–3AA1800, etc.).

(2) When cylinders are constructed to § 78.37–2(b), they shall be marked ICC–3AAX followed by the service pressure (for example, ICC–3AAX1800, etc.).

(3) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below or immediately following the ICC mark; location[2] of symbol to be just below or immediately following the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized. Examples:

ICC–3AA1800
1234
XY

ICC–3AA1800–1234–XY

(4) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

In § 78.42–11 amend paragraph (a)(3) (29 F.R. 18841, Dec. 29, 1964) to read as follows:

§ 78.42 Specification 3E; seamless steel cylinders.

§ 78.42–11 Hydrostatic test.

(a) * * *

(3) Other cylinders must be examined under pressure of at least 3,000 pounds per square inch and not to exceed 4,500 pounds per square inch and show no defect. Cylinders tested at a pressure in excess of 3,600 pounds per square inch shall burst at a pressure higher than 7,500 pounds per square inch when tested as specified in paragraph (a)(2) of this section. The pressure must be main-

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(No change in footnote 1.)

(No change in footnotes 1 and 2.)

tained for at least 30 seconds and sufficiently longer to insure complete examination.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.82–9 amend paragraphs (b) and (c) (29 F.R. 18896, Dec. 29, 1964) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–9 Closures.

* * * * *

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal (see paragraph (c) of this section) as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(No change in Note 1.)

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16 inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. Closures of screw-thread type or closed by other positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

* * * * *

In § 78.115–8 add paragraph (c)(1) (29 F.R. 18916, Dec. 29, 1964) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115–8 Closures.

* * * * *

(c) * * *

(1) Closures of screw-thread type or closed by other positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

* * * * *

In § 78.118–8 add paragraph (c)(1) (29 F.R. 18919, Dec. 29, 1964) to read as follows:

§ 78.118 Specification 17H; steel drums.

§ 78.118–8 Closures.

* * * * *

(c) * * *

(1) Closures of screw-thread type or closed by other positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–14 amend paragraph (a); in § 78.205–15 amend the heading (29 F.R. 18952, Dec. 29, 1964) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–14 Flap closures.

(a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by paragraphs (b) and (c) of this section or by Part 73 of this chapter.

* * * * *

§ 78.205–15 Linings (when prescribed by § 78.205–16).

* * * * *

In § 78.211–3 add paragraph (a)(1)(v) (29 F.R. 18961, Dec. 29, 1964) to read as follows:

§ 78.211 Specification 12P; fiberboard boxes. Nonreusable containers for one inside plastic container greater than 1-gallon capacity, as prescribed in Part 73 of this chapter.

§ 78.211–3 Design limitations.

(a) * * *

(1) * * *

(v) Other perforated or die cut areas of a size and location as authorized in writing by the Bureau of Explosives or Board of Transport Commissioners for Canada.

* * * * *

In § 78.224–1 paragraph (a)(2) Table center column, change the third figure "225" to read "250"; in § 78.224–2 paragraph (c) Table first column, change the fifth figure "225" to read "250" (29 F.R. 18965, Dec. 29, 1964).

Subpart G—Specifications for Bags, Cloth, Burlap or Paper

In § 78.238–3(a) amend Note 1 (29 F.R. 18970, Dec. 29, 1964) to read as follows:

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238–3 Construction.

(a) * * *

NOTE 1: Exceptions to these construction requirements are authorized in §§ 73.367(a)(5) and 73.377(i) of this chapter.

PART 79—SPECIFICATIONS FOR TANK CARS

Subpart C—Specifications for Pressure Tank Car Tanks (Classes ICC–105A, 109A–W, 112A–W and 114A–W)

In § 79.101–1(a) Table, third column headed "105A200–F", delete the special reference "79.102–6" (29 F.R. 18998, Dec. 29, 1964).

APPENDIX B

Section and reason for amendment

72.5(a) *Commodity list.* To provide certain exemptions for aldrin; to provide a more appropriate description for class B poisonous compounds containing beryllium; to make editorial corrections in two descriptions; to eliminate redundant references in the "Matches, block" description; to provide proper shipping description for oxidizing materials in the dichloroisocyanurate family; to cancel a description that is no longer needed.

73.31(a)(2); Note 6. To clarify that a test pressure increase is not authorized for spec. ICC–107A tanks built prior to 1941.

73.31(c)(10), footnote n. To correct an error in section reference.

73.33(m)(7). To authorize the use of liquid pumps or gas compressors on cargo tanks in sulfur dioxide service.

73.115(a). To show that flash point of liquids is determined by the standard method described in ASTM Designation D1310–63.

73.116(g). To clarify that the outage chart applies only to flammable liquids loaded in uninsulated tank cars.

73.132(b). To provide certain exemptions for liquid cements similar to those granted paints and related materials.

73.144(b). To provide certain exemptions for inks similar to those granted paints and related materials.

73.157(a)(4). To authorize shipment of benzoyl peroxide, wet in spec. 21C fiber drums each having one inside polyethylene container with minimum wall thickness of 4 mils.

73.204(a)(6). To delete reference to 225 pounds net weight restriction applicable to sodium hydrosulfite in spec. 21C fiber drums.

73.206(a)(10). To authorize shipment of metallic lithium metallic potassium, and sodium potassium alloy liquid in nonspecification stainless steel tubes.

73.206(c)(4). Provisions are now included in paragraph (a)(10) of this section.

73.217(a)(4). To prescribe packaging requirements for dichloroisocyanuric acid, dry; potassium dichloroisocyanurate, dry; sodium dichloroisocyanurate, dry and trichloroisocyanuric acid, dry.

73.217(b). To authorize present exemptions to packages having an increased net weight for inside metal or plastic containers regardless whether or not the material is in tablet form.

73.256(a)(5). To authorize spec. 6D cylindrical steel overpacks with an inside spec. 2U polyethylene container for liquid cleaning compounds.

73.263(a) (10) and (12). To increase from 40% to 42% the maximum amount of sodium chlorite permitted in sodium chlorite solution.

73.281(a)(2). To authorize spec. 5M monel drums for benzyl bromide.

73.300(g). To limit the water capacity of a container to the lowermost inlet of any excess pressure relief valve on the container.

73.302 (a)(3), (c). To authorize new specs. 3AX and 3AAX cylinders, exceeding 1,000 pounds water capacity, for certain nonliquefied gases, and to authorize these cylinders to be charged 10% in excess of their marked service pressure.

73.314(c); Table. To authorize spec. 114A340–W tank cars for anhydrous ammonia and butadiene, inhibited.

73.315(a)(1); Table; Note 11. To authorize new spec. MC 331 cargo tank for transporting certain compressed gases; to make reference to Note 12 for anhydrous ammonia.

73.346(a)(26). To authorize spec. 12A fiberboard boxes with inside polyethylene bottles for class B poisonous liquids, n.o.s.

73.353(d). To confine the use of spec. 17C metal drums to mixtures of methyl bromide and ethylene dibromide, liquid.

73.364(a). To provide exemptions for compounds containing beryllium by removing the exception of beryllium metal powder.

73.365(a)(17). To authorize spec. 37F steel drums with inside polyethylene liner for class B poisonous solids, n.o.s.

73.370(b)(1). To extend present exemptions to cyanides packed in inside polyethylene containers.

73.376(a). To clarify that the packaging requirements apply to aldrin as well as aldrin mixtures, dry.

73.377(i). To authorize spec. 44D multiwall paper bags for dry mixtures containing

between 2–12 percent class B poisonous organic material.

73.378. Packaging requirements in §§ 73.364 and 73.365 are now applicable to compounds containing beryllium.

73.395(a). To authorize exemption from decontamination requirements for railroad cars and motor vehicles used exclusively for transporting radioactive materials only and are so marked.

73.402(a)(10). To make consistent with §§ 73.392(f) and 73.414(d).

74.502(a)(8). To clarify the restriction against acceptance of new explosives for transportation by rail freight.

74.566(d). Same as reason for § 73.395(a).

77.860(d). Same as reason for § 73.395(a).

78.36–2 (a), (b), 78.36–20. To provide for the construction of new spec. 3AX seamless steel cylinders of capacity over 1,000 pounds water volume.

78.36–13(a). To update Part 73 section reference redesignated in Order 63.

78.37–2 (a), (b), 78.37–20. To provide for the construction of new spec. 3AAX seamless steel cylinders of capacity over 1,000 pounds water volume.

78.37–13(a). To update Part 73 section references redesignated in Order 63.

78.42–11(a)(3). To permit a maximum test pressure of 4,500 psi consistent with the maximum allowable burst pressure of frangible discs with which certain 3E cylinders are equipped.

78.82–9 (b), (c). To authorize the use of closures, other than and in addition to metal closures, on spec. 5B metal drums when approved by the Bureau of Explosives.

78.115–8(c)(1). Reason for § 78.82–9 applies also to spec. 17C metal drums.

78.118–8(c)(1). Reason for § 78.82–9 applies also to spec. 17H metal drums.

78.205–14(a), 78.205–15 heading. To clarify the exceptions to the requirement for fill-in pieces for spec. 12B fiberboard boxes.

78.211–3(a)(1)(v). To permit perforated or die cut areas in spec. 12P fiberboard boxes, other than as specified, when authorized by the Bureau of Explosives or Board of Transport Commissioners for Canada.

78.224–1(a)(2) Table, 78.224–2(c) Table. To make consistent with the construction requirements for spec. 21C fiber drums not exceeding 250 pounds net weight of dry product.

78.238–3(a); Note 1. To coincide exceptions to construction requirements of spec. 44D multiwall paper bags as provided in § 73.377(1).

79.101–1(a); Table. To delete an inappropriate section number reference.

[F.R. Doc. 65–3655; Filed, Apr. 9, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Release No. 34–7567]

REGISTRATION STATEMENTS

Notice of Proposed Amendment of Form

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form 8–B (17 CFR 249.208b) under the Securities Exchange Act of 1934. This form is an optional form which may be used for registration on a national securities exchange of securities of an issuer which has no securities so registered but which has succeeded to another issuer which had securities so registered, provided the capital structure and balance sheet of the successor issuer is substantially the same as that of the predecessor or the combined capital structures and balance sheets of all of the predecessors. The form omits much of the information which is required in the case of registration on Form 10 (17 CFR 249.210). This is made possible because the form may be used only in situations where some of the omitted information is already on file with the Commission and other information will be supplied in due course by the reports which the successor issuer must file.

The rule as to the use of the form would be revised so that the form could be used by certain successor issuers, not presently entitled to use the form, where proxies have been solicited in connection with the succession from the security holders of the predecessor, or one of the predecessors, in accordance with the Commission's proxy rules, or where the securities issued in connection with the succession were registered under the Securities Act of 1933.

The rule as to the use of the revised form would also make the form available for registration by successor issuers pursuant to the new Section 12(g) of the Act. Section 12(g) requires the registration, with certain exceptions, of a class of equity securities traded over-the-counter where the issuer has total assets in excess of $1,000,000 and such class of equity securities is held of record by 750 or more persons (or after July 1, 1966, by 500 or more persons).

The facing sheet of the form would call for the registrant's I.R.S. employer identification number. The Commission's electronic data processing program requires the use of a single number for each registrant. The I.R.S. number, which is readily available, will provide a means whereby all filings made by a registrant with the Commission under one or more acts can be readily identified through the use of its equipment.

A copy of the proposed revision of the form is attached hereto.

All interested persons are invited to submit their views and comments on the proposed revision, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before April 30, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, April 2, 1965.

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

§ 249.208b Form 8–B, for registration of securities of certain successor issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

The following form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities of an issuer which has no securities so registered but which has succeeded to an issuer which at the time of the succession had securities so registered, or to such an issuer and one or more other persons, subject to the following conditions: (a) The capital structure and balance sheet of the successor issuer immediately after the succession were substantially the same as those of the single predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors; or (b) proxies were solicited pursuant to Regulation 14A (17 CFR 240.14a–1 et seq.) with respect to the succession from the security holders of the predecessor or, if more than one predecessor, from the security holders of at least one of such predecessors and copies of the proxy statement used in such solicitation are filed as an exhibit to the registration statement on this form; or (c) if securities issued in connection with the succession have been registered pursuant to the Securities Act of 1933 and copies of the latest effective prospectus meeting the requirements of section 10 of that Act are filed as an exhibit to the registration statement on this form. *Provided, however,* That this form shall not be used for the registration on a national securities exchange pursuant to section 12(b) of the Act of securities of a successor issuer unless its predecessor or, if more than one predecessor, at least one of its predecessors, had securities so registered on the same exchange at the time of the succession.

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form 8–B.*

This form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities of an issuer which has no securities so registered but which has succeeded to an issuer which at the time of the succession had securities so registered, or to such an issuer and one or more other persons, subject to the following conditions:

(a) The capital structure and balance sheet of the successor issuer immediately after the succession were substantially the same as those of the single predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors; or

(b) Proxies were solicited pursuant to Regulation 14A (17 CFR 240.14a–1 et seq.) with respect to the succession from the security holders of the predecessor or, if more than one predecessor, from the security holders of at least one of such predecessors and copies of the proxy statement used in such solicitation are filed as an exhibit to the registration statement on this form; or

(c) If securities issued in connection with the succession have been registered pursuant to the Securities Act of 1933 and copies of the latest effective prospectus meeting the requirements of section 10 of that Act are filed as an exhibit to the registration statement on this form.

Provided, however, That this form shall not be used for the registration on a national securities exchange pursuant to section 12 (b) of the Act of securities of a successor issuer unless its predecessor or, if more than one predecessor, at least one of its predecessors, had securities so registered on the same exchange at the time of the succession.

B. *Application of General Rules and Regulations.*

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed

in the preparation and filing of registration statements on this form.

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

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

D. *Signature and Filing of Registration Statement.*

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

E. *Incorporation by Reference.*

If the information called for by any item or items of this form is contained in a proxy statement or prospectus filed as an exhibit pursuant to General Instruction A (b) or (c), such information may be incorporated by reference to such document in answer or partial answer to such item or items.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8–B

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

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Securities To Be Registered Pursuant to Section 12(b) of the Act:

Title of each class to be so registered

Name of each exchange on which each class is to be registered

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Securities To Be Registered Pursuant to Section 12(g) of the Act:

(Title of class)

(Title of class)

INFORMATION REQUIRED IN APPLICATION OR STATEMENT

Item 1. General Information.

(a) State the date on which the registrant was organized, its form of organization, and the State or other jurisdiction under the laws of which it was organized.

(b) State the date on which the registrant's fiscal year ends.

Item 2. Transaction of Succession.

(a) Name each predecessor which had securities registered pursuant to Section 12 (b) or (g) of the Act at the time of the succession.

(b) Describe briefly the transaction of succession and state the basis upon which securities of the registrant have been or are to be issued in exchange for or otherwise in respect of securities of any predecessor.

Item 3. Securities To Be Registered.

As to each class of securities to be registered, state the number of shares or the amounts of bonds (1) presently authorized (2) presently issued and (3) presently issued which are held by or for the account of the registrant.

Item 4. Capital Stock To Be Registered.

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

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

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

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

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

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

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

Item 5. Debt Securities To Be Registered.

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

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

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

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

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

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

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

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

Instruction. The instructions to Item 4 shall also apply to this item.

Item 6. Other Securities to be Registered.

If securities other than those referred to in Items 4 and 5 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 4 shall also apply to this item.

Item 7. Financial Statements and Exhibits.

List below all financial statements and exhibits, if any, required to be filed as a part of the application or statement:

(a) Financial Statements.

(b) Exhibits.

SIGNATURE

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

(Registrant)

By ---
(Signature)*

Date: ---

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

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

(a) No financial statements need be filed if the capital structure and balance sheet of the registrant immediately after the succession were substantially the same as those of the predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors.

(b) If paragraph (a) above does not apply, the registration statement shall include any financial statements or schedules, not included in the proxy statement or prospectus filed as an exhibit, which would be called for by Form 10 (17 CFR 249.210) if the securities were to be registered on that form.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the application or statement. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for under Item 7.

1. Copies of the plan or agreement, if any pursuant to which the registrant's succession has taken place or is to take place, unless the terms of such plan or agreement are substantially contained in a proxy statement or prospectus filed as an exhibit pursuant to Instruction 2, below.

2. Copies of any proxy statement or prospectus required to be filed pursuant to General Instruction A (b) or (c).

3. Copies of all other exhibits which would be called for by Form 10 (17 CFR 249.210) if the securities to be registered hereunder were to be registered on that form.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 781 and 78w)

[F.R. Doc. 65-3731; Filed, Apr. 9, 1965; 8:46 a.m.]

[17 CFR Part 249]

[Release No. 34-7568]

REGISTRATION STATEMENT

Notice of Proposed Amendment of Form

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form 8-C (17 CFR 249.208c) under the Securities Exchange Act of 1934. This form is an optional form for use where an issuer which has a class of securities registered on one national securities exchange wishes to register the same class on another, or an additional, exchange.

A registration statement on the existing form consists of copies of information and documents already filed with the Commission. In copies of the statement filed with the Commission, such information and documents must be incorporated by reference to avoid duplication of such material in the Commission's files.

The recently enacted section 12(g) of the Act requires the registration, with certain exceptions, of a class of equity securities traded over-the-counter where the issuer of such securities has total assets in excess of $1,000,000 and the class of equity securities is held of record by 750 or more persons (or after July 1, 1966, by 500 or more persons). The proposed amendments to Form 8-C would make the form available for use where an issuer has securities registered pursuant to section 12(g) of the Act and wishes to transfer registration of such securities to a national securities exchange. The amended form could also be used to register on a national securities exchange a class of securities other than one which is already registered on another such exchange or registered pursuant to section 12(g).

In the amended form the General Instructions would be revised to make appropriate reference to use of the form by issuers having securities registered pursuant to section 12(g) of the Act. The revised General Instructions would be placed at the beginning of the form, instead of following the facing sheet, in order to set them forth more prominently and to avoid interrupting the continuity of the form proper.

The amended form would reduce the number of exhibits required to be filed with the exchange in most cases. Copies of the required exhibits are not required to be filed with the Commission since they have already been so filed.

The facing sheet of the form would call for the registrant's I.R.S. employer identification number. The Commission's electronic data processing program requires the use of a single number for each registrant. The I.R.S. number, which is readily available, will provide a means whereby all filings made by a registrant with the Commission under one or more acts can be readily identified through the use of its equipment.

A copy of the form as proposed to be amended is attached hereto.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before April 30, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, April 2, 1965.

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

§ 249.208c Form 8-C, for registration of securities on a national securities exchange pursuant to section 12(b) of the Securities Exchange Act of 1934.

The following form may be used for registration pursuant to section 12(b) of the Securities Exchange Act of 1934 of a class of securities on a national securities exchange on which the registrant has no securities registered if any class of securities of the same issuer is so registered on another such exchange or is registered pursuant to section 12(g) of the Act.

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form 8-C.*

This form may be used for registration pursuant to Section 12(b) of the Securities Exchange Act of 1934 of a class of securities on a national securities exchange on which the registrant has no securities registered if any class of securities of the same issuer is so registered on another such exchange or is registered pursuant to Section 12(g) of the Act.

B. *Application of General Rules and Regulations.*

(a) Attention is directed to the General Rules and Regulations under the Act, particularly those comprising Regulation 12B (17 CFR 240.12b-1 et seq.). That regulation contains general requirements regarding the preparation and filing of the registration statement. Te definitions in Rule 12b-2 (17 CFR 240.12b-2) should be especially noted.

(b) Eight copies of the registration statement shall be filed with the Commission and at least one copy thereof shall be filed with each exchange on which registration is applied for. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

C. *Preparation of Registration Statement.*

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

(b) Notwithstanding any rule or regulation of the Commission to the contrary, the exhibits required by this form to be physically filed with the exchange may be in the form of photocopies.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C., 20549

FORM 8-C

FOR REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE PURSUANT TO SECTION 12(b) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Securities To Be Registered by This Registration Statement

Title of each class to be registered

Name of each exchange on which such class is to be registered

---

INFORMATION REQUIRED TO BE FURNISHED IN REGISTRATION STATEMENT

Item 1. Description of Securities To Be Registered.

If the documents filed with the exchange pursuant to the instructions as to exhibits do not include copies of a registration statement which contains a description of the securities to be registered such as would be required by the form appropriate for registration of such securities if this form were not used, set forth below a description of the securities which would be required by such appropriate form if it were being used.

Item 2. List of Exhibits Filed with the Exchange.

List below all of the exhibits filed with the exchange on which the securities are to be registered pursuant to the instructions as to exhibits.

Instructions. 1. The exhibits required to be filed with the exchange are specified in the instructions as to exhibits set forth at the end of this form.

2. If registration of the securities is to be transferred from one national securities exchange to another such exchange in the same city, the exhibits required may, unless the exchange authorities object, be transferred from the exchange on which the securities are registered to the exchange on which they are to be registered.

SIGNATURE

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

(Registrant)

By ---
(Signature) *

Date ---

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

INSTRUCTIONS AS TO EXHIBITS

The following exhibits shall be filed, as a part of the registration statement, with the

exchange on which the securities are to be registered. Such exhibits need not accompany, or be incorporated by reference in, copies of the registration statement filed with the Commission.

1. Copies of the last annual report filed pursuant to Section 13 of the Act or, if no such report has yet been filed, copies of the latest registration statement filed pursuant to Section 12 (b) or (g) of the Act.

2. Copies of all current, quarterly or semi-annual reports filed pursuant to Section 13 of the Act since the end of the fiscal year covered by the annual report filed pursuant to 1 above, or if none, since the effective date of the latest registration statement filed pursuant to Section 12 (b) or (g) of the Act.

3. Copies of the latest definitive proxy statement and information statement, if any, filed with the Commission pursuant to Section 14 of the Act.

4. Copies of the charter and bylaws, or instruments corresponding thereto, and copies of any other documents defining the rights of the holders of the securities to be registered.

5. Specimens or copies of any securities described in answer to Item 1.

6. Copies of the last annual report submitted to stockholders by the registrant or its predecessors. Such annual report shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of Section 18 of the Act, except to the extent it is already subject thereto.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 781 and 78w)

[F.R. Doc. 65-3732; Filed, Apr. 9, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

ALASKA ET AL.

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown:

Name of field	Effective date	Acreage
(2) ALASKA		
Beluga River	Jan. 26, 1965	6,720
Gubik (revision)	Jan. 22, 1965	47,883
(4) ARKANSAS		
Gragg-Boonville (revision)	Sept. 23, 1964	53,961
(6) COLORADO		
Roberts Canyon-Shire Gulch (revision and consolidation)	Nov. 10, 1964	16,059
Vallery	Jan. 8, 1965	3,200
(16) LOUISIANA		
Lake Bistineau	Feb. 8, 1965	7,507
(25) MONTANA		
Flat Lake	Jan. 11, 1965	1,400
Fred and George Creek (revision)	Feb. 16, 1965	7,070
Gage	Oct. 6, 1964	1,600
Goose Lake	Dec. 24, 1964	7,360
Keg Coulee West (revision, name changed from West Keg Coulee, and consolidated with Keg Coulee South)	June 21, 1964	1,338
Keith East	Feb. 24, 1965	4,506
Lone Tree	Jan. 28, 1965	840
(31) NEW MEXICO		
North Lea (revision)	Mar. 11, 1965	5,320
Tobac	Dec. 24, 1964	3,400
(44) UTAH		
Clay Basin (revision)	Dec. 1, 1964	7,408
(50) WYOMING		
Coyote Creek South	Oct. 8, 1964	4,182
Guthery	Feb. 17, 1965	1,191
Nitchie Gulch-Pine Canyon	Jan. 21, 1965	8,669
Quealy Dome (revision)	Jan. 7, 1965	1,088
Shoshone North (extension)	Dec. 17, 1964	357

ARTHUR A. BAKER,
Acting Director.

APRIL 6, 1965.

[F.R. Doc. 65-3771; Filed, Apr. 9, 1965; 8:50 a.m.]

Bureau of Land Management

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 5, 1965.

Notice of an application, Serial No. Colorado-011495, for withdrawal and reservation of lands, was published as F.R. Doc. 58-1377 on page 1199 of the issue for February 26, 1958. Notice of Termination of proposed withdrawal and reservation of certain lands described in the application was published as F.R. Doc. 63-6992 on pages 6836 and 6837 of the issue of July 3, 1963. The applicant agency has further cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 a.m. on May 11, 1965 relieved of the segregative effect of the above-mentioned application.

The lands involved in this Notice of Termination are:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 5 N., R. 92 W.,
Sec. 8, S½SE¼;
Sec. 9, S½S½;
Sec. 10, S½S½;
Sec. 11, S½SW¼;
Sec. 12, S½S½;
Sec. 17, E½;
Sec. 18, lots 6, 7, and 8, SE¼NW¼;
Sec. 19, lots 5 to 9, incl. and 14, SE¼NW¼, NE¼SW¼;
Sec. 20, E½.
T. 6 N., R. 92 W.,
Sec. 25, Lot 2.
T. 5 N., R. 93 W.,
Sec. 3, S½N½, S½;
Sec. 4, Lots 7 and 8, S½NW¼, NE¼SW¼, SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½, SE¼, E½SW¼;
Sec. 11, S½, S½N½;
Sec. 12, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 15, E½, E½NW¼.
T. 6 N., R. 93 W.,
Sec. 19, Lot 6, NE¼, N½SE¼;
Sec. 20, NE¼NE¼, S½NE¼;
Sec. 21, NW¼;
Sec. 25, S½SW¼, SE¼.
T. 6 N., R. 94 W.,
Sec. 3, Lot 8, S½N½;
Sec. 6, Lots 9 and 10, SW¼NE¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 7, N½NE¼, E½NW¼;
Sec. 13, E½NE¼, E½SE¼;
Sec. 28, W½;
Sec. 33, NW¼.
T. 6 N., R. 95 W.,
Sec. 1, Lots 7 and 8, SW¼NW¼;
Sec. 2, Lots 5, 6, 12 and 15, SE¼NE¼;
Sec. 11, Lots 3 and 5 to 10, incl. SW¼NW¼, W½SW¼, E½SE¼;
Sec. 12, Lot 5, NW¼SW¼, S½S½, NE¼SE¼, W½SW¼;
Sec. 13, SW¼, S½SE¼, NW¼SE¼, W½NW¼.

The area described aggregates 7,800 acres.

J. ELLIOTT HALL,
Chief, Lands and Minerals.

[F.R. Doc. 65-3751; Filed, Apr. 9, 1965; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3-b]

BRAKE DRUMS FROM CANADA

Withholding of Appraisement Notice

APRIL 6, 1965.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the exporter's sales price of brake drums imported from Canada, manufactured by Atom-Otive Products Co., Rexdale, Ontario, Canada, is less, or likely to be less, than the foreign market value as defined by sections 204 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 163 and 164). The investigation is limited to the transactions of the above-identified firm.

Customs officers are being directed to withhold appraisement of brake drums imported from Canada, manufactured by Atom-Otive Products Co., Rexdale, Ontario, Canada, in accordance with the provisions of § 14.9 of the Customs regulations (19 CFR 14.9).

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on August 24, 1964. The information was submitted by Biggs, Hensley, Hughes, Curtis and Biggs, St. Louis, Mo., on behalf of Century Foundry.

This notice is published pursuant to § 14.6(e) of the Customs regulations (19 CFR 14.6(e)).

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

[F.R. Doc. 65-3753; Filed, Apr. 9, 1965; 8:47 a.m.]

Office of the Secretary

[Antidumping—AA 643.3-r]

APPLE JUICE FROM CANADA

Determination of Sales at Not Less Than Fair Value

APRIL 2, 1965.

On February 16, 1965, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and to Make Determination That No Sales Exist Below Fair Value," because of termination of sales with respect to apple juice imported from Canada, manufactured by Sun-Rype Products Ltd., Kelowna, B.C., Canada, and that such fact is considered to be evidence that there are not, and are not likely to be, sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL

REGISTER, I hereby determine that because of termination of sales, apple juice from Canada, manufactured by Sun-Rype Products Ltd., Kelowna, B.C., Canada, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-3754; Filed, Apr. 9, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation of Area for Emergency Loans

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

NORTH DAKOTA

EMMONS

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

Done at Washington, D.C., this 6th day of April 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-3748; Filed, Apr. 9, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. SAS-1]

DIFCO LABORATORIES

Notice of Opportunity for Hearing Regarding Suspension of Antibiotic Batch Certification Services

Notice is hereby given to Difco Laboratories, Detroit, Mich., 48201, that the Commissioner of Food and Drugs proposes to suspend antibiotic batch certification service pursuant to § 146.6 of Title 21, Chapter I, Code of Federal Regulations upon the following grounds, to wit:

A. That said company obtained and attempted to obtain antibiotic certification through fraud or through misrepresentation or concealment of a material fact, to wit:

1. That on May 13, 1964, Difco Laboratories submitted for certification a batch of 2,837 vials of tetracycline sensitivity discs, Difco batch mark 81081; that this batch failed to comply with the requirements for tetracycline sensitivity discs, and that rejection of this lot was reported to the firm by letter of June 19, 1964. Subsequently, Difco Laboratories, on July 9, 1964, submitted another sample from this same lot, bearing Difco batch mark 81675, purporting to be a new batch of tetracycline sensitivity discs consisting of 2,798 vials and concealing the material fact that this lot had previously been rejected under batch mark 81081.

2. That on September 21, 1964, Difco Laboratories submitted a request for certification for 30,350 rings, Bacto-Unidisks Antibiotics #2 High Conc. Code 7053, bearing batch mark 473693, also identified elsewhere by Rx No. 81861. A batch certificate, Y-13,437 was issued October 2, 1964, covering 30,350 rings. However, Difco Laboratories' records show that 46,550 rings were in fact distributed under this certificate.

3. That on June 30, 1964, Difco Laboratories submitted a request for certification of 27,250 rings, Bacto-Unidisks Antibiotics #1 High Conc. Code 7003, bearing batch mark 471875, and prepared under Rx No. 81207. A batch certificate, Y-11,578, was issued for these on July 8, 1964; that the sample submitted for certification was actually collected from among 22,400 rings returned from Sterilon Corporation, Buffalo, New York, after sterilizing and packing. The balance of the certified lot, 5,649 Unidisk Rings, was received from Sterilon on August 5, 1964; but no part of this additional material was represented in the sample submitted for certification.

B. That Difco Laboratories has failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by § 146.5 of Title 21, Chapter I, Code of Federal Regulations, to wit:

C. That inspectors of the Detroit District of the Food and Drug Administration made requests for the distribution records of certain lots of antibiotic sensitivity discs; that such requests to the firm to make distribution records available for review were refused on October 22, 23, and 26, 1964; on November 5, 9, and 10, 1964; on January 5, 1965; and on March 2 and 4, 1965; that requests to make an inventory of stocks on hand and otherwise to check on correctness of appropriate records were refused on December 1, 1964, and on January 5, 1965, January 25, 1965, and February 16, 1965.

In accordance with the provisons of section 507 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 357, and the regulations appearing in Title 21, Chapter I, Code of Federal Regulations, § 146.6, the Commissioner hereby gives Difco Laboratories, Detroit, Mich., an opportunity for a hearing on the issue whether antibiotic batch certification service to Difco Laboratories should be suspended.

On or before the 14th days after receipt of this notice, Difco Laboratories is required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, a written appearance electing whether:

1. To avail itself of the opportunity for a hearing; or

2. If Difco Laboratories elects not to avail itself of an opportunity for a hearing, the Commissioner, without further notice, will enter a final order suspending antibiotic batch certification services to Difco Laboratories until such time as Difco Laboratories demonstrates adequate reasons why such services should be resumed.

Failure of Difco Laboratories to file such a written appearance of election on or before the 14th day after receipt of this notice of opportunity for hearing, will be construed as an election by Difco Laboratories not to avail itself of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless Difco Laboratories specifies otherwise in its appearance.

If Difco Laboratories elects to avail itself of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing. Such hearing shall commence within 14 days of the hearing examiner's appointment.

(Secs. 507, 701, 59 Stat. 463 as amended; 21 U.S.C. 357, 371)

Done at Washington, D.C., this 6th day of April 1965.

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

[F.R. Doc. 65-3762; Filed, Apr. 9, 1965; 8:49 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050) as amended, is amended by revising §§ 8-201.10, 8-201.20 and 8-201.30 to read as follows:

SECTION 8-201.10 *Assignment of functions.* (a) The Director, Bureau of Hearings and Appeals, and the Director, Bureau of Federal Credit Unions, have been delegated (see § 8.20 (b) and (c) of this Part), and the Directors and heads

of the other Social Security Administration components are hereby delegated, authority to direct their respective organizations and to carry out assigned functions in accordance with established policy and practice. Such officials shall recommend to the Commissioner for consideration and formal decision, proposed program policies and certain significant operating decisions to carry out existing legislation. The types of matters to be submitted to the Commissioner for formal decision are described in Chapter SSA h:21–30 of the DHEW General Administration Manual.

(b) In accordance with § 8.40(a) of this Part, and in order that the officials designated in § 8–201.10(a) above can effectively exercise the general authority delegated in such paragraph, the Commissioner has made certain specific delegations of authority. These delegations are identified in §§ 8–201.20 and 8–201.30 which follow.

SEC. 8–201.20 *Delegations of authority Under the Social Security Act as Amended.*—(a) *Authority to certify wages and self-employment income.* Authority to certify to the Department of the Treasury wages and self-employment income (for the purpose of appropriating to the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund amounts due from the general fund in the Treasury), is delegated to the positions listed below:

Executive Director.
Executive Assistant, Social Security Administration.
Director and Deputy Director, Division of Accounting Operations.

(b) *Authority to approve or deny waiver of adjustment or recovery of incorrect payment.* Authority to approve or deny waiver of adjustment or recovery of incorrect payment, is delegated to the committee and positions listed below:

Area of authority	*To whom delegated*
(1) All cases	(1) Executive Director; Executive Assistant, Social Security Administration; Director and Deputy Director, Division of Claims Policy. A committee of three members of the Division of Claims Policy of the Central Office, with one or more alternates, appointed by the Director or Deputy Director, Division of Claims Policy.
(2) Cases in the payment centers and Foreign Claims Branch, Division of Claims Control, where the overpayment is $25 or less.	(2) (i) Director and Deputy Director, Division of Claims Control. (ii) Social Insurance Claims Examiner (Retirement) [Recovery Reviewer] in the— (a) Recovery Unit, Reconsideration Section of payment centers other than Baltimore; (b) Recovery Unit, Post-Entitlement Section, Baltimore Payment Center; or (c) Reconsideration Section, Foreign Claims Branch, Division of Claims Control. (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.
(3) Cases in the payment centers and Foreign Claims Branch, Division of Claims Control, where the overpayment is more than $25 but does not exceed $100, and providing the delegatee concurs with the recommendation of a Recovery Reviewer, or where the overpayment is more than $100, and providing the delegatee concurs with the recommendation of a Recovery Reviewer that waiver relief should be denied.	(3) (i) Director and Deputy Director, Division of Claims Control. (ii) Social Insurance Claims Examiner (Retirement) [Recovery Reviewer] in the— (a) Recovery Unit, Reconsideration Section of payment centers other than Baltimore; (b) Recovery Unit, Post-Entitlement Section, Baltimore Payment Center; or (c) Reconsideration Section, Foreign Claims Branch, Division of Claims Control. (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.
(4) Cases in the payment centers and Foreign Claims Branch, Division of Claims Control where the overpayment is more than $100 and waiver relief is recommended by a Recovery Reviewer.	(4) (i) Director and Deputy Director, Division of Claims Control; (ii) Social Insurance Claims Examiner (Retirement) [Reconsideration Reviewer] in the (a) Reconsideration Unit, Reconsideration Section of payment centers other than Baltimore; (b) Reconsideration Section, Foreign Claims Branch, Division of Claims Control. (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.
(5) Cases in the Division of Disability Operations where the overpayment is more than $100 and waiver relief is recommended by a Recovery Reviewer.	(5) (i) Director and Deputy Director, Division of Disability Operations. (ii) Social Insurance Claims Examiner (Disability) and Social Insurance Claims Examiner (Retirement), Reconsideration Branch, Division of Disability Operations. (iii) All intervening positions in the direct line of supervision between (i) and (ii) above.

(c) *Authority to make findings of fact and decisions other than the existence or absence of disability.* (1) Authority to make findings of fact and decisions as to:

(i) The rights of individuals applying for a benefit payment (except as otherwise delegated in §§ 8–201.20(g) and 8–201.20(i)),

(ii) The continuing entitlement and eligibility of beneficiaries; reductions or increases of insurance benefits; imposition of deductions from benefits; adjustment or recovery of overpayment; adjustment of underpayments; reinstatement, termination, or adjustment of payments, and

(iii) The revision of earnings records maintained by the Administration, and

(iv) The support, by an insured individual, of a husband, widower, parent, or former wife divorced; the denial of requests for withdrawal of applications and requests for revision of earnings records; the denial of requests for cancellation of requests for withdrawal of an application or of requests for revision of earnings records,

is delegated to the positions listed below:

Area of authority	*To whom delegated*
(1) All cases	(1) (a) Executive Director. (b) Executive Assistant, Social Security Administration. (c) Director and Deputy Director, Division of Claims Policy. (d) Claims Policy Advisor, Contract Coverage Officer, and Claims Policy Specialist, Division of Claims Policy. (e) All intervening positions in the direct line of supervision between (c) and (d) above.
(ii) Cases in the payment centers, Division of Claims Control.	(ii) (a) Director and Deputy Director, Division of Claims Control. (b) Social Insurance Claims Examiner (Retirement), Claims Authorization Section, Post-Entitlement Section, and Reconsideration Section, payment centers, Division of Claims Control. (c) All intervening positions in the direct line of supervision between (a) and (b) above.

Area of authority	To whom delegated
(iii) Cases in the Division of Accounting Operations.	(iii) (a) Director and Deputy Director, Division of Accounting Operations. (b) Social Insurance Claims Examiner (Retirement), Certification Branch, Division of Accounting Operations. (c) Management Analyst, Certification Methods Section, Methods Branch, Division of Accounting Operations. (d) All intervening positions in the direct line of supervision between (a) and (b) above and between (a) and (c) above.
(iv) Cases in the Foreign Claims Branch, Division of Claims Control.	(iv) (a) Director and Deputy Director, Division of Claims Control. (b) Social Insurance Claims Examiner (Retirement), Claims Authorization Section, Reconsideration Section, and Post-Entitlement Unit, Adjudication and Accounts Section, Foreign Claims Branch, Division of Claims Control. (c) All intervening positions in the direct line of supervision between (a) and (b) above.
(v) Cases in the Division of Disability Operations.	(v) (a) Director and Deputy Director, Division of Disability Operations. (b) Social Insurance Claims Examiner (Retirement) and Social Insurance Claims Examiner (Disability), Evaluation and Authorization Branch, and Reconsideration Branch, Division of Disability Operations. (c) All intervening positions in the direct line of supervision between (a) and (b) above.

(2) Authority to make findings of fact and decisions where the decision is that the claimant is not eligible for a period of disability, or is not eligible for disability insurance benefits because he does not meet the statutory requirements for insured status, and a determination by someone other than the district office or Foreign Claims Branch as to the day the disability began is not required either by State agreement or because it is clear and uncontradicted that the date of onset of the applicant's alleged disability is more than 1 year after the date he last met the insured status requirements, or the alleged onset of his disability is due to traumatic injury which occurred after the date he last met the insured status requirements, is delegated to the following positions:

Area of authority	To whom delegated
(i) Cases in the district offices, Division of Field Operations.	(i) (a) Director and Deputy Director, Division of Field Operations. (b) Claims Representatives, district offices, Division of Field Operations. (c) All intervening positions in the direct line of supervision between (a) and (b) above.
(ii) Cases in the Foreign Claims Branch, Division of Claims Control.	(ii) Chief, Claims Development Unit and Social Insurance Claims Examiner (Retirement), Claims Development Unit, Adjudication and Accounts Section, Foreign Claims Branch, Division of Claims Control.

(3) Authority to administer oaths and affirmations in the course of investigations to determine whether there has been a violation of any provision of the Act or any regulation or procedure thereunder where such violation is punishable as a crime under such law or any other Federal statute imposing criminal penalties, is delegated to the positions listed below:

(i) Executive Director.

(ii) Executive Assistant, Social Security Administration.

(iii) Director and Deputy Director, Division of Claims Policy.

(iv) General Investigator and Claims Policy Specialist, Violations Branch, Division of Claims Policy.

(v) All intervening positions in the direct line of supervision between (iii) and (iv) above.

(d) *Authority to certify benefit payments.* Authority to certify benefit payments under the provisions of the Act, and from any Special Deposit Account set up as a result of overpayments refunded by beneficiaries who have received payments under the Act, is delegated to the positions in each Payment Center, Division of Claims Control, listed below:

Area of authority	To whom delegated
Within the respective payment center.	(1) Assistant Chief, Coordination and Control Section. (2) Chief, Fiscal Control and Audit Unit. (3) Chief, Administrative Services Section. (4) Chief, Check Cancellation and Change of Address Unit. (5) Supervisor, Check Cancellation and Change of Address Subunit. (6) Chief, Non-Receipt Subunit.

(e) *Coverage agreements with States.* (1) Authority to enter into coverage agreements with States and to approve modifications of agreements previously entered into, and subject to the qualifications that the modifications do not involve unusual situations or major policy implications, and the Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications, is delegated to the positions listed below:

Executive Director.
Executive Assistant, Social Security Administration.
Director and Deputy Director, Division of Claims Policy.

(2) Authority to enter into modifications with States which amend previous coverage agreements between the State and the Department of Health, Education, and Welfare, and subject to the qualifications that:

(i) The modifications are entered into during the period of December 16 through December 31 each year, unless such period ends on a Saturday, Sunday, or legal holiday, or on any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive Order, in which case such period shall end at the close of the first day thereafter which is not a Saturday, Sunday, or legal holiday, or on any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive Order, and

(ii) Such modifications shall be executed subject to ratification by the Executive Director, the Executive Assistant, Social Security Administration, or by the Director or Deputy Director, Division of Claims Policy, Social Security Administration, and

(iii) Each such modification shall contain the following clause: "It is further agreed this modification is executed subject to ratification by an appropriate official of the Social Security Administration."

is delegated to the positions listed below:

Area of authority	To whom delegated
Within his respective region.	Social Security Regional Representative.

(3) Authority to terminate agreements with respect to one or more coverage groups in cases where States consent to the removal of dissolved coverage groups from agreements and waive the required notice and hearing provided by section 218(g)(2) of the Act, is delegated to the positions listed in (1) above.

(4) Authority upon request by a State and for "good cause" shown to grant extensions of time for filing contribution returns and wage reports, is delegated to the positions listed in (1) above.

(f) *Authority to enter agreements for State determinations of disability.* Authority to enter into agreements for State determinations of disability and to execute modifications of disability agreements, subject to the qualifications that:

(1) The modifications do not involve unusual situations or major policy implications, and

(2) The Office of the General Counsel has found that there is no legal objection to the form or substance of such agreements or modifications, is delegated to the positions listed below:

Executive Director.
Executive Assistant, Social Security Administration.
Director and Deputy Director, Division of Disability Operations.

(g) *Authority to review State disability determinations.* Authority to review determinations of disability made by a State agency and take action as provided in the Social Security Act, and where permitted, make findings of fact and decisions relating to periods of disability in such cases, is delegated to the positions listed below:

(1) Executive Director.

(2) Executive Assistant, Social Security Administration.

(3) Director and Deputy Director, Division of Disability Operations.

(4) Social Insurance Claims Examiner (Disability), Evaluation and Authorization Branch and Reconsideration Branch, Division of Disability Operations; Disability Policy Examiner, Disability Policy Branch, Division of Disability Operations.

(5) Social Insurance Claims Examiner (Retirement), Evaluation and Authorization Branch and Reconsideration Branch, Division of Disability Operations, when the incumbent has been designated by his respective branch chief to act in the capacity of Social Insurance Claims Examiner (Disability).

(6) All intervening positions in the direct line of supervision between (3) and (4) above, and between (3) and (5) above.

(h) *Authority to pay State agencies making disability determinations for their administraive expenses.* (1) Authority to authorize amounts for payment to a State agency for its administrative expenses, subject to the qualification that only the Commissioner or Executive Director shall authorize the first payment to a State under subsection 221(e) of the Act, is delegated to the positions listed below:

Executive Director.
Executive Assistant, Social Security Administration.
Director and Deputy Director, Division of Disability Operations.

(2) Authority to certify to the Managing Trustee of the Old-Age and Survivors Insurance Trust Fund or to the Managing Trustee of the Disability Insurance Trust Fund, as appropriate, such funds as are properly authorized under the provisions of (1) above, is delegated to the positions listed below:

(i) Chief, Financial Management Branch, Division of Management.

(ii) Chief, Auditing Unit, Fiscal Operations Section, Financial Management Branch.

(iii) All intervening positions in the direct line of supervision between (i) and (ii) above.

(i) *Authority to make Federal determinations of disability.* Authority to make Federal determinations of disability and findings of fact and decisions relating to periods of disability in the cases of individuals in a State which has no agreement to make disability determinations, in the cases of individuals outside the United States, and in cases of any class or classes of individuals not included by a State agreement to make disability determinations, is delegated to the positions listed below:

(1) Executive Director.

(2) Executive Assistant, Social Security Administration.

(3) Director and Deputy Director, Division of Disability Operations.

(4) Social Insurance Claims Examiner (Disability), Evaluation and Authorization Branch and Reconsideration Branch, Division of Disability Operations; Disability Policy Examiner, Disability Policy Branch, Division of Disability Operations.

(5) Social Insurance Claims Examiner (Retirement), Evaluation and Authorization Branch and Reconsideration Branch, Division of Disability Operations, when the incumbent has been designated by his respective branch chief to act in the capacity of Social Insurance Claims Examiner (Disability).

(6) All intervening positions in the direct line of supervision between (3) and (4) above and between (3) and (5) above.

(j) *Authority to affirm previous findings by Commissioner of status of foreign social insurance or pension systems.* Authority to make findings as to whether or not a foreign country has a social insurance or pension system which is acceptable under the Act, and to notify the foreign country involved of such finding, in cases requiring a reaffirmation (with or without a modification) of the Commissioner's last determination with respect to the qualification of such system as an exception to the alien nonpayment provisions of the Act, is delegated to the positions listed below:

Executive Director.
Executive Assistant, Social Security Administration.
Director and Deputy Director, Division of Claims Policy.

Except that, where additional information provides a basis on which the Commissioner might reasonably change his last determination, or where there is a significant policy question involved, this delegation is not operative.

(k) *Authority to investigate and institute charges for suspension or disqualification of individual acting as a representative in Title II matters.* Authority to investigate and institute charges and to make recommendations for suspension or disqualification of any person, including an attorney, from acting as a representative in Title II (of the Act) matters under the conditions provided in the Act as amended and in the Social Security Administration's Regulations, is delegated to the positions listed below:

Executive Director.
Executive Assistant, Social Security Administration.
Director and Deputy Director, Division of Claims Policy.

(l) *Authority to publish "Social Security Rulings".* Authority to select, prepare for publication, obtain approvals, and publish approved "Social Security Rulings" under the authority of the Commissioner, is delegated to the positions listed below:

(1) Executive Director.

(2) Executive Assistant, Social Security Administration.

(3) Director and Deputy Director, Division of Claims Policy.

(4) Social Insurance Ruling Writer-Editor, and Legal Assistant, Division of Claims Policy.

(5) All intervening positions in the direct line of supervision between (3) and (4) above.

(m) *Authority to make determinations which do not affect the rights of individuals.* Authority to make determinations not affecting the rights of individuals as to:

(1) The suspension of benefits pending investigation and determination of any factual issue as to the applicability of a deduction or deductions,

(2) The suspension of benefits pending investigation and determination as to the cessation of the disability of an individual entitled to benefits,

(3) The appointment or continuance of a representative payee for and on behalf of a beneficiary,

(4) The certification of any two or more individuals of the same family for joint payment of the total benefits payable to such individuals, and

(5) The withholding in any month, for the purpose of recouping an overpayment, of less than the full amount of the monthly benefit otherwise payable in that month,

is delegated to the positions listed below:

Area of authority	*To whom delegated*
(i) All cases	(i) (a) Executive Director. (b) Executive Assistant, Social Security Administration. (c) Director and Deputy Director, Division of Claims Policy. (d) Claims Policy Advisor and Claims Policy Specialist, Division of Claims Policy. (e) All intervening positions in the direct line of supervision between (c) and (d) above.
(ii) Cases in the payment centers, Division of Claims Control.	(ii) (a) Director and Deputy Director, Division of Claims Control. (b) Social Insurance Claims Examiner (Retirement), Claims Authorization Section, Post-Entitlement Section, and Reconsideration Section, payment centers, Division of Claims Control. (c) All intervening positions in the direct line of supervision between (a) and (b) above.

Area of authority	To whom delegated
(iii) Cases in the Division of Disability Operations.	(iii) (a) Director and Deputy Director, Division of Disability Operations. (b) Social Insurance Claims Examiner (Retirement), and Social Insurance Claims Examiner (Disability), Evaluation and Authorization Branch and Reconsideration Branch, Division of Disability Operations. (c) All intervening positions in the direct line of supervision between (a) and (b) above.
(iv) Cases in the Foreign Claims Branch, Division of Claims Control.	(iv) (a) Director and Deputy Director, Division of Claims Control. (b) Social Insurance Claims Examiner (Retirement), Claims Authorization Section, Reconsideration Section, and Post-Entitlement Unit, Adjudication and Accounts Section, Foreign Claims Branch, Division of Claims Control. (c) All intervening positions in the direct line of supervision between (a) and (b) above.

SEC. 8-201.30 *Delegations of authority under other laws.* Authority to make determinations and certify such matters as are required by other government agencies for determining the rights of individuals to benefits payable under related programs, when such determinations and certifications are authorized by law, is delegated to the positions listed below:

Area of authority	To whom delegated
(a) All cases	(a) (1) Executive Director. (2) Executive Assistant, Social Security Administration. (3) Director and Deputy Director, Division of Claims Policy. (4) Claims Policy Specialist, Claims Policy Advisor, and Contract Coverage Officer, Division of Claims Policy. (5) All intervening positions in the direct line of supervision between (3) and (4) above.
(b) Cases in the payment centers, Division of Claims Control.	(b) (1) Director and Deputy Director, Division of Claims Control. (2) Social Insurance Claims Examiner (Retirement), Claims Authorization Section, Post-Entitlement Section, and Reconsideration Section, payment centers, Division of Claims Control. (3) All intervening positions in the direct line of supervision between (1) and (2) above.
(c) Cases in the Division of Accounting Operations.	(c) (1) Director and Deputy Director, Division of Accounting Operations. (2) Social Insurance Claims Examiner (Retirement), Certification Branch, Division of Accounting Operations. (3) State Contributions Auditor, Registration Branch, Division of Accounting Operations. (4) All intervening positions in the direct line of supervision between (1) and (2) above and between (1) and (3) above.
(d) Cases in the Foreign Claims Branch, Division of Claims Control.	(d) (1) Director and Deputy Director, Division of Claims Control. (2) Social Insurance Claims Examiner (Retirement), Claims Authorization Section, Reconsideration Section, and Post-Entitlement Unit, Adjudication and Accounts Section, Foreign Claims Branch, Division of Claims Control. (3) All intervening positions in the direct line of supervision between (1) and (2) above.
(e) Cases in the Division of Disability Operations.	(e) (1) Director and Deputy Director, Division of Disability Operations. (2) Social Insurance Claims Examiner (Retirement), and Social Insurance Claims Examiner (Disability), Evaluation and Authorization Branch and Reconsideration Branch, Division of Disability Operations. (3) All intervening positions in the direct line of supervision between (1) and (2) above.

(Sec. 6, Reorg. Plan No. 1 of 1953; § 8.40(a) Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended. For §§ 8-201.10 and 8-201.20, also Title II, secs. 201 et seq., 49 Stat. 620, as amended; 42 U.S.C., subchap. II, secs. 401 et seq.)

Dated: March 24, 1965.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 5, 1965.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 65-3759; Filed, Apr. 9, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5, set forth below, to Facility License No. R-69. The license authorizes The Board of Trustees of The University of Illinois to operate its TRIGA Mark II nuclear reactor, located in Urbana, Ill. The amendment authorizes the licensee to perform an experiment in the reactor involving temperature measurements in a special fuel element which would be located in the central core position, as described in the licensee's application for license amendment dated February 2, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's Regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 2, 1965, and (2) a related Safety Analysis prepared by the Test & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-69; Amdt. 5]

License No. R-69, as amended, issued to The Board of Trustees of The University of Illinois, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-69, as amended, The Board of Trustees of The University of Illinois is authorized to perform an experiment in the TRIGA Mark II nuclear reactor involving temperature measurements in a special fuel element which would be located in the central core position, as described in the licensee's appli-

cation for license amendment dated February 2, 1965.

This amendment is effective as of the date of issuance.

Date of issuance: April 5, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-3717; Filed, Apr. 9, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-22005]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April 1965.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to specific commodity rates; Docket 15353, Agreement C.A.B. 18169, R-9.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Report, No. 11, names additional specific commodity rates as set forth below.[1]

Item 3085—Studs for Automobile Tires:
88 cents per kg., minimum weight 45 kgs.; 62 cents per kg., minimum weight 200 kgs.; 57 cents per kg., minimum weight 500 kgs.; Copenhagen to New York.
95 cents per kg., minimum weight 45 kgs.; 69 cents per kg., minimum weight 200 kgs.; 64 cents per kg., minimum weight 500 kgs.; Gothenburg to New York.
99 cents per kg., minimum weight 45 kgs.; 73 cents per kg., minimum weight 200 kgs.; 68 cents per kg., minimum weight 500 kgs.; Stockholm to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 18169, R-9, be approved: *Provided*, That such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-3763; Filed, Apr. 9, 1965; 8:49 a.m.]

[1] Specific Commodity Item 9206 description revision, also included in Status Report No. 11, approved by the Board in Order E-21972, of March 31, 1965.

[Docket No. 15991; Order E-22006]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Proposed Individual Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of April, 1965.

By tariff revisions[1] to its individual excursion fare tariff, Eastern Air Lines, Inc. (Eastern), proposes to reduce individual round trip jet coach excursion fares between Miami and Ft. Lauderdale, on the one hand, and Baltimore, Boston, New York, Philadelphia, and Washington, on the other hand. The proposed fares are similar to those proposed by National Airlines, Inc. (National), that were suspended by the Board by Order E-21952, March 26, 1965.

In consideration of our recent action involving National's proposal, and the fact that Eastern's instant competitive proposal is similar to National's, we will institute an investigation of Eastern's tariff revisions, consolidate the investigation ordered herein with that currently pending in Docket 15991, and suspend such tariff revisions pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A hereto,[2] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including July 6, 1965, unless otherwise ordered by the Board, and that no changes be made therein, during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be consolidated in Docket 15991;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[3]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-3764; Filed, Apr. 9, 1965; 8:49 a.m.]

[1] Revisions to Eastern Air Lines, Inc., Local Round Trip Excursion Tariff, C.A.B. No. 170, filed March 5 and 12, 1965, and marked to become effective April 8 and 15, 1965.

[2] Appendix A filed as part of original document.

[3] Dissenting statement of Chairman Boyd filed as part of original document.

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SW-6]

GRIFFIN-LEAKE TV, INC., AND ARKANSAS EDUCATIONAL TELEVISION COMMISSION

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-7463) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Griffin-Leake TV, Inc., Muskogee, Okla. (formerly KATV, Inc.) and Arkansas Educational Television Commission, Little Rock, Ark., jointly propose to construct a television antenna structure at latitude 34°28'23" north, longitude, 92°12'10" west, near Redfield, Ark. The overall height of the proposed structure would be 2,272 feet above mean sea level (MSL) (2,000 feet above ground).

A previous proposal by KATV, Inc., for a structure 2,049 feet MSL (1,789 feet AGL) at this approximate site received a determination of no hazard to air navigation in OE Docket No. 64-SW-2, issued March 25, 1964. That determination is superseded upon the effective date of this determination.

The proposed structure would be located within 5 miles of an approved off-airway route, and would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(3) of the Federal Aviation Regulations by 1,800 feet since it would be more than 200 feet above ground on this route.

The aeronautical study revealed that the proposed structure would require an increase from 1,800 feet to 3,300 feet in the minimum en route altitude between the Little Rock VORTAC and Sheridan, Ark., Intersection on the approved off-

airway route between Little Rock VORTAC and El Dorado, Ark., VOR. This increase would have no adverse effect upon aeronautical operations in the Little Rock area.

The study further disclosed that the proposed structure would have no substantial adverse effect upon visual flight rule (VFR) operations since it would not be located in proximity to any airport or specific route generally used by VFR flights.

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

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

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

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

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-3727; Filed, Apr. 9, 1965; 8:46 a.m.]

[OE Docket No. 64-SW-6, Amended]

GUARANTY BROADCASTING CORP.

Determination of No Hazard to Air Navigation; Amendment

The Federal Aviation Agency issued a determination of no hazard to air navigation on November 6, 1964, with regard to a proposal by the Guaranty Broadcasting Corp. (WAFB-TV), Baton Rouge, La., to construct a television antenna structure at latitude 30°21'55" north, longitude 91°12'45" west, near Baton Rouge, La. The overall height of the structure would be 1,749 feet above mean sea level (1,729 feet above ground).

Subsequent to the issuance of the determination, the proponent filed a slight change in the coordinates of the subject TV tower. The corrected coordinates are amended to latitude 30°21'58" north, longitude 91°12'47" west. This correction places the structure 300 feet north and 200 feet west of the approved location. The elevations would remain the same.

The Agency has reviewed the effects the new site would have on the safe and efficient utilization of the navigable airspace. The review has disclosed that the amended proposal would have no greater effect upon aeronautical operations, procedures or minimum flight altitudes than the original proposal.

Therefore, pursuant to the authority delegated to me by the Administrator, Federal Aviation Agency's OE Docket No. 64-SW-6 is hereby revised to amend the coordinates from latitude 30°21'55" north, longitude 91°12'45" west, to latitude 30°21'58" north, longitude 91°12'47" west.

This amended determination is effective as of the date of issuance.

Issued in Washington, D.C., on March 31, 1965.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-3728; Filed, Apr. 9, 1965; 8:46 a.m.]

[OE Docket No. 65-SW-5]

TAYLOR BROADCASTING CO.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-7429) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Taylor Broadcasting Co., Roswell, N. Mex., proposes to construct a television antenna structure at latitude 33°03'20" north, longitude 103°49'12" west, near Hagerman, N. Mex. The overall height of the structure would be 6,276 feet above mean sea level (1,849 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 1,349 feet since it would be more than 500 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 29.5 miles east of Hagerman, N. Mex., and 19 miles north-northeast of the nearest airport. The proposed site is located well outside the confines of any Federal VOR airway and would have no adverse effect upon IFR operations in the area. It is not situated on a direct line between any airline or private airport terminals.

The study further disclosed that the proposed structure would have no substantial adverse effect upon VFR operations since it would not interfere with flight operations at the closest airport and is not situated in the vicinity of any generally recognized or commonly used VFR route.

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

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

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

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

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-3729; Filed, Apr. 9, 1965; 8:46 a.m.]

[OE Docket No. 65-CE-3]

MAY BROADCASTING CO. (KMTV) ET AL.

Determination of No Hazard to Air Navigation; Petition for Public Hearing

Notice of Petition for Public Hearing; May Broadcasting Co. (KMTV), Herald Corp. (KETV), and Meredith WOW, Inc. (WOW-TV):

Mr. Donald Bonacci, North Omaha Airport, Omaha, Nebr., has timely filed a petition for a public hearing pursuant to § 77.39 (27 F.R. 10352), Part 77, Federal Aviation Regulations, in appeal of the Determination of No Hazard to Air Navigation issued in OE Docket No. 65-CE-3 (30 F.R. 2621), for the proposed construction of three television antenna structures near Omaha, Nebr.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), the determination issued in OE Docket No. 65-CE-3 (30 F.R. 2621) is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on March 30, 1965.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-3730; Filed, Apr. 9, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15769, 15770; FCC 65M-424]

BROWN RADIO & TELEVISION CO. (WBVL) AND BARBOURVILLE-COMMUNITY BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Dwight L. Brown tr/as Brown Radio & Television Co.

(WBVL), Barbourville, Ky., Docket No. 15769, File No. BR-3228; for renewal of license; Barbourville-Community Broadcasting Co., Barbourville, Ky., Docket No. 15770, File No. BP-16297; for construction permit.

To formalize the agreements reached at the prehearing conference held on April 5, 1965 in the above-entitled proceeding;

It is ordered, This 6th day of April 1965 that all procedural dates and the presently scheduled hearing date of April 20, 1965, be, and the same are, hereby cancelled, and that further procedural and hearing dates will be agreed upon at a further prehearing conference to be convened May 5, 1965 in Washington, D.C.

Released: April 6, 1965.

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

[F.R. Doc. 65-3769; Filed, Apr. 9, 1965; 8:50 a.m.]

[Docket Nos. 15778, 15779; FCC 65M-419]

PRINCESS ANNE BROADCASTING CORP. AND SOUTH NORFOLK BROADCASTING CO.

Memorandum Opinion and Order Regarding Procedural Dates

In re applications of Princess Anne Broadcasting Corp., Virginia Beach, Va., Docket No. 15778, File No. BP-15058; Harold H. Hersch, Samuel J. Cole, L. W. Gregory, and William L. Forbes, d/b as South Norfolk Broadcasting Co., Chesapeake, Va., Docket No. 15779, File No. BP-15818; for construction permits.

1. The Hearing Examiner has under consideration (1) a "Motion for Dismissal of Application" filed February 17, 1965, on behalf of South Norfolk Broadcasting Co.; (2) "Broadcast Bureau's Comments Re Motion for Dismissal filed by South Norfolk Broadcasting Co." filed February 23, 1965, on behalf of the Chief, Broadcast Bureau; (3) "Reply of South Norfolk to Broadcast Bureau Comments and Princess Anne 'Affidavit' Respecting South Norfolk Motion for Dismissal of Application" filed March 5, 1965, on behalf of South Norfolk Broadcasting Co.; (4) a "Motion for Continuance of Exchange Date" filed March 12, 1965, on behalf of Princess Anne Broadcasting Corp.; and (5) oral motions made on the record by counsel for South Norfolk Broadcasting Co. and Chief, Broadcast Bureau for the dismissal of the application of Princess Anne Broadcasting Corp. for failure to publish notice of this hearing as required in the Commission's order designating the applications for hearing and by § 1.594 of the Commission's rules.[1]

2. The Commission by order dated January 6, 1965, released January 8, 1965 (FCC 65-12), designated the above-entitled applications for hearing and provided in such order:

"It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission 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 applicants 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, either individually or, if feasible and consistent with the rules, jointly, 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."

3. By order dated and released January 11, 1965 (FCC 65M-30), the Commission, through its Chief Hearing Examiner, directed that a prehearing conference in the above-entitled proceeding would convene on February 9, 1965, and the evidentiary hearing would commence on March 4, 1965.

4. At the start of the prehearing conference on February 9, 1965, it was disclosed that the Princess Anne Broadcasting Corp. (Princess Anne) had not filed a pleading evidencing an intent to appear and prosecute its application in this proceeding. Counsel for Princess Anne announced that (a) he was not familiar with the publication rule, and (b) Princess Anne had not received a copy of the Commission's order designating the application for hearing. The Hearing Examiner, thereupon, handed to counsel for Princess Anne a copy of the designation order. (TR 5)

FAILURE OF PRINCESS ANNE BROADCASTING CORP. TO FILE WRITTEN NOTICE OF INTENT TO APPEAR AS REQUIRED BY § 1.221 (c) OF THE COMMISSION'S RULES

5. Near the conclusion of the February 9, 1965, prehearing conference, the Hearing Examiner authorized Princess Anne, in view of the alleged nonreceipt of the designation order (FCC 65-12), to file an appearance to be accompanied by an affidavit of the principals stating that the order of designation had not been received and a request that such appearance be accepted in view of the extenuating circumstances. (TR 45)

6. On February 15, 1965, the Commission received a "Notice of Appearance" filed by Princess Anne. This notice, however, was not accompanied by an affidavit indicating that the original order designating the application for hearing had not been received by Princess Anne. On March 1, 1965, the Commission received the affidavits of C. Roger Malbon, president of Princess Anne, and John B. James, an attorney who prepared part of the Princess Anne application, which affidavits were signed February 26, 1965, and state, in substance, that the affiants had not received the Commission order designating the above applications for hearing.

7. A further prehearing conference was held on March 16, 1965, to inquire into the pleadings based in whole or in part upon the failure of Princess Anne to receive a copy of the Commission's designation order and failure to comply with the publication requirements thereof. Evidence was received at hearings held March 19 and 26, 1965.

8. By letter dated August 26, 1964, received in the Commission's offices August 28, 1964, Princess Anne advised the Commission that its new address was "1325 B Diamond Spring Road, Virginia Beach, Virginia, Postal Zone, 23455" and requested that said address be used in all future correspondence.

9. Investigation of the original of Docket 15778 disclosed a notation to the effect that the designation order was mailed by January 11, 1965; that the envelope containing the designation order was addressed to "Princess Anne Broadcasting Corp., Post Office Box 116, Oceana, Virginia"; that this envelope was thereafter returned to the Commission because of unknown address and number, bearing two post marks, one stamped "Virginia Beach, Va., Jan. 13, 1965" and the other stamped "Virginia Beach, Va., Jan. 18, 1965"; and that said envelope contained the notation "Not for Box 3116". The Chief Hearing Examiner's order dated and released January 11, 1965 (FCC 65M-30), mailed on January 12, 1965, to the same address as the designation order, was returned by the post office because "Forward order expired" but contained no stamped post marks. Both envelopes in the docket bear the pen-written notation "Remailed to 1325 B Diamond Spring Road, Virginia Beach, Va." but the date of remailing is not shown.

10. The physical evidence of record warrants the finding here made that the order of the Commission designating the above-entitled applications for hearing was originally misdirected, and that on January 18, 1965, the envelope containing said order was duly postmarked in the Virginia Beach, Va., post office, and thereafter returned to the Commission. No fact warrants a finding that said order was thereafter remailed by the Commission to Princess Anne at its correct address more than 20 days prior to February 9, 1965. The testimony of witnesses is that said order was not received by Princess Anne or any of its officers, directors, agents, employees, or counsel 20 or more days prior to February 9, 1965, and that the first information Princess Anne received concerning the filing of a written appearance was when informed of such requirement at the prehearing conference on February 9, 1965.

11. When Princess Anne, by its president accompanied by its attorney, appeared at the prehearing conference on February 9, 1965, such personal appearance constituted actual notice to the Commission of the intent of Princess Anne to appear and prosecute its application. Such actual appearance under the facts here found complied with the "20 day" requirement of § 1.221(c) of the Commission's rules.

12. The affidavits and testimony of record referred to above constitute a request that the written appearance of Princess Anne be received. The Hearing Examiner accepts the written ap-

[1] See TR 60, 146-148.

pearance of Princess Anne and such written appearance will be filed in the docket and associated with the application of this party.

13. For the reasons stated above, the formal written motion as well as the oral motions of South Norfolk Broadcasting Co., to declare Princess Anne in default for failure to file an appearance as required by § 1.221(c) of the Commission's rules will be denied.

COMPLIANCE WITH SECTION 311(a)(2) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, AND § 1.594 OF THE COMMISSION'S RULES

14. In lay terms, section 311(a)(2) of the Act and § 1.594 of the Commission's rules require an applicant for a standard broadcast station to publish the fact that its application had been designated for hearing and give certain information which would alert the people in the area to be served on the pendency of said application and the issues to be developed at the hearing.[2]

15. In paragraphs 4, 9 and 10 supra, the Hearing Examiner has found that the Commission order designating the above-entitled applications for hearing was misdirected and was not received by Princess Anne until a copy thereof was handed to counsel for Princess Anne by the Hearing Examiner at the prehearing conference of February 9, 1965.

16. At the prehearing conference on February 9, Commission counsel stated that there was no indication that Princess Anne had published or given notice of the hearing in accordance with the Commission's rules. Princess Anne's counsel indicated, however, that such notice had been published in the Norfolk, Va., Pilot. (TR 5) Subsequent testimony establishes that this statement was in error and that this applicant had not as of February 9, 1965, complied with or started to comply with the publication requirements of § 1.594 of the rules.

17. On February 8, 1965, Mr. Malbon, president of Princess Anne; Mr. Consolvo, Princess Anne's local attorney; and Mr. Harrier, a consultant, came to Washington to discuss the prehearing conference with Mr. John Creutz, the consulting radio engineer who had prepared the engineering portion of the Princess Anne application. Mr. Creutz advised the Princess Anne principals that the prehearing conference to be held the following day, February 9, would be concerned primarily with the establishment of dates for the exchange of exhibits and matters of that kind, and it would not be necessary for him to be present. Princess Anne did not request its engineer to attend the prehearing conference or to begin the preparation of the engineering exhibits in this proceeding.

18. During the conference of February 8, the applicant's consulting engineer suggested that it would be desirable to have Washington counsel familiar with FCC practice handle the hearing for Princess Anne. While the record is not too clear, it appears that similar suggestions had been made to Princess Anne ever since its engineer realized that Princess Anne would be involved in a comparative hearing. (Tr. 118–119)

19. At the prehearing conference on February 9, 1965, the Hearing Examiner gave Princess Anne a copy of the Commission order designating this application for hearing and suggested that they might wish to employ counsel familiar with FCC procedures. At this prehearing conference, a time schedule was agreed to which, among other things, provided for an exchange of the preliminary engineering exhibits on or before March 8, 1965, to be followed by an informal engineering conference under the supervision of the Commission's engineer, such conference to be held prior to March 12, 1965.

20. At the conclusion of the prehearing conference on February 9, Messrs. Malbon, Consolvo, and Harrier went to the FCC library where they examined the Commission's rules concerning publication. Mr. Consolvo made notes which were to serve as an outline for the publication notice. He intended to draft a notice which he expected Mr. Malbon, the president of Princess Anne, to have published. Princess Anne's principals, thereupon, returned to Virginia Beach without contacting their engineer and without contacting any attorney familiar with FCC procedures.

21. On February 11, 1965, Mr. Consolvo dictated a letter addressed to Mr. Creutz, Princess Anne's consulting engineer, which contained the dates for the exchange of the engineering exhibits and other procedural steps agreed to at the prehearing conference on February 9. Mr. Consolvo read and signed the letter. He assumes that in the normal conduct of his office that his secretary properly addressed and mailed the envelope in which the letter was to be enclosed. The envelope in which the letter was mailed was not returned to Mr. Consolvo. Mr. Cruetz, to whom the letter was to have been sent, testified that there was no record of such letter ever having been received by him or by his office.

22. On February 19, 1965, Mr. Cruetz wrote to Mr. Consolvo giving the names of three law firms whose members practice before the FCC. Mr. Consolvo received this letter. Mr. Creutz did not directly or indirectly imply that he should be employed to prepare the Princess Anne engineering exhibits for the hearing.

23. On March 3, 1965, the Hearing Examiner released an order for a further prehearing conference to be held on March 16 and specified that among the matters to be considered were the pleadings based in whole or in part upon the failure of Princess Anne to comply with certain of the requirements in the Commission's order designating the applications for hearing.

24. On March 9, 1965, the Commission engineer called Mr. Creutz and made inquiry concerning Princess Anne's engineering exhibits. Mr. Creutz recognized immediately what had happened, endeavored to call Mr. Consolvo but was unable to contact him by telephone before March 11. In the telephone conversation, Mr. Consolvo directed Mr. Creutz to proceed with the preparation of the engineering data and indicated that he, Consolvo, was going to get a Washington attorney to represent Princess Anne. Mr. Consolvo then called Mr. Sam Miller who agreed to represent this applicant.

25. Mr. Miller, in a motion filed March 12, 1965, requested a continuance of the exchange date for the preliminary engineering data from March 8 to March 19. At the prehearing conference held on March 16, it was disclosed that the president of Princess Anne was in Florida and that Princess Anne's attorney would not attend the conference. At that conference, South Norfolk Broadcasting Co. vigorously opposed the motion to set new exchange dates.

26. The Hearing Examiner called for an evidentiary hearing to be held March 19, 1965, for the purpose of obtaining factual information upon which to take appropriate action. Mr. Malbon, the president of Princess Anne, appeared at this hearing, but Mr. Consolvo did not appear until the further hearing held on Friday, March 26.

27. At the hearing on Friday, March 26, 1965, it was disclosed that Princess Anne had started publication of the necessary notice on the preceding day, Thursday, March 25, 1965.

28. Section 1.594(h) provides, in part, that "The failure to comply with the provisions of this section is cause for dismissal of an application with prejudice. However, upon a finding that applicant has complied (or proposes to comply) with the provisions of section 311(a)(2) of the Communications Act of 1934, as amended, and that the public interest, convenience and necessity will be served thereby, the presiding officer may * * * upon a showing of special circumstances, * * * extend the time for publishing notice." In brief, this section gives the Hearing Examiner authority to extend the time for publishing notice if good cause for such extension has been shown.

29. On the question of whether good cause for extending the date for publication has been shown, the following facts are significant:

a. Princess Anne received a copy of the designation order on February 9, 1965.

b. Princess Anne knew or should have known from the motion made at the February 9 prehearing conference and from the motion to dismiss filed February 17 of the significance to be attached to the failure of an applicant to comply with the requirements of the Commission's rules which are specified in the designation order.

c. On February 9, Princess Anne's president, its counsel and its consultant visited the FCC library where its counsel prepared notes of an outline of an order for publication. These notes were never used.

d. Princess Anne did not deem it necessary to employ counsel familiar with FCC procedures despite the fact that its

[2] Notice of the hearing on the application of South Norfolk Broadcasting Co., Docket No. 15779, was published in the Chesapeake Post, a weekly newspaper of general circulation in the city of Chesapeake, State of Virginia, once a week for a period of 3 consecutive weeks beginning January 28, 1965, and ending February 11, 1965.

consulting engineer had made such a recommendation on February 8, and the Hearing Examiner had suggested the desirability of experienced counsel at the prehearing conference on February 9, 1965.

e. Princess Anne ignored the letter from its consulting engineer dated February 19 on the question of employing counsel familiar with FCC procedures until notified on March 11 that Princess Anne was then in default by 3 days in failing to exchange engineering exhibits.

f. Princess Anne received the order released March 3, 1965, calling for the further prehearing conference to be held on March 16, knew from such order the purpose of such conference, knew that no effort had been made to publish the notice of hearing, knew from the March 11 conversation with its engineer that it was then in default for failing to exchange engineering exhibits, yet none of its principals saw fit to appear at the prehearing conference.

g. Furthermore, Princess Anne did not deem it imperative that its local attorney appear at the prehearing conference on March 16 or at the evidentiary hearing on March 19 despite the fact that such attorney had personal knowledge concerning the failure of Princess Anne to publish the notice as required by Commission rules and the failure of Princess Anne to exchange engineering exhibits in accordance with agreements reached at the first prehearing conference. As a result, it was necessary that a further hearing be held on Friday, March 26, 1965.

30. The failure of Princess Anne to comply with the publication requirements of § 1.594 of the Commission's rules was and is due solely to (a) the failure of its principals to heed or pay attention to the written orders of the Commission, and (b) the failure of its principals to check or inquire as to what steps, if any, were being taken to comply with the publication requirements of the Commission's rules and to exchange the engineering exhibits in accordance with the agreements reached at the first prehearing conference. Compliance with § 1.594 might possibly have been achieved had Princess Anne deemed it advisable to employ counsel familiar with FCC procedures, as recommended by its consulting engineer on and before February 8 and by letter dated February 19, 1965. When Princess Anne was given the opportunity to explain or attempt to explain the latches mentioned herein, its principals evidenced little desire to come forward with the facts.

31. While § 1.594 calls for publication to begin immediately following the release of the Commission's order designating the application for hearing, the time in this case did not begin until February 9, 1965. On that date Princess Anne had actual knowledge of the requirement for publication and its principals had examined the Commission's rules in the FCC library. Good cause for extending the time within which to publish the notice specifying the time and place of commencement of the hearing has not been shown. The application of Princess Anne will be dismissed with prejudice for failure to comply with the publication requirements of § 1.594 of the Commission's rules.

It is ordered This the 2d day of April 1965, that the motion of South Norfolk Broadcasting Co. filed February 17, 1965, for the dismissal of the application of Princess Anne Broadcasting Corp. for failure to file an appearance as required by § 1.221(c) of the Commission's rules be and the same is hereby denied;

It is further ordered That the written appearance filed by Princess Anne Broadcasting Corp. with the Commission on February 15, 1965, is accepted, and such appearance will be filed in the docket and associated with the application of this party;

It is further ordered That the oral motions made on the record on behalf of South Norfolk Broadcasting Co., and Chief, Broadcast Bureau for the dismissal of the application of Princess Anne Broadcasting Corp., for failure to publish notice of this hearing as required in the Commission's order designating the applications for hearing and by § 1.594 of the Commission's rules are granted, and the application of Princess Anne Broadcasting Corp., is dismissed with prejudice for failure to publish notice as required by § 1.594 of the Commission's rules;

It is further ordered That the dates for all procedural steps and the evidentiary hearing scheduled for April 8, 1965, are continued for a period of 30 days from the date of the release of the Memorandum Opinion and Order;

It is further ordered That the motion for continuance of exchange date filed by Princess Anne Broadcasting Corp., on March 12, 1965, is dismissed as moot.

Released: April 5, 1965.

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

[F.R. Doc. 65-3770; Filed, Apr. 9, 1965; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-7125, E-7203]

CINCINNATI GAS & ELECTRIC CO. AND UNION LIGHT, HEAT & POWER CO.

Order Accepting Rate Schedule Filings, Terminating Rate Investigation and Scheduling Hearing on Jurisdictional Issues; Correction

MARCH 29, 1965.

In the Order Accepting Rate Schedule Filings, Terminating Rate Investigation and Scheduling Hearing on Jurisdictional Issues, issued January 27, 1965 and published in the FEDERAL REGISTER February 2, 1965 (F.R. Doc. 65-1062; 30 F.R.-1070); change "CG&E's Rate Schedule No. 2, Supp. No. 6 to read Rate Schedule No. 2, Supp. No. 5" in the paragraph (1) of the findings.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-3737; Filed, Apr. 9, 1965; 8:46 a.m.]

[Docket No. CP61-149]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Further Amend

APRIL 5, 1965.

Take notice that on April 1, 1965, Natural Gas Pipeline Co. of America (Petitioner), Chicago, Ill., filed in Docket No. CP61-149 a petition to amend the order of the Commission issued on January 3, 1963, in Docket No. CP61-143, et al., and amended December 30, 1963, and June 2, 1964, which order and amendments authorized the construction and operation of certain facilities and the exchange of natural gas between Petitioner, Colorado Interstate Gas Co. (Colorado) and Arkansas Louisiana Gas Co. (Arkansas), limited in duration to May 1, 1965.

By the instant filing, Petitioner requests that the order of January 3, 1963, as amended, be further amended to increase the maximum quantity of natural gas to be delivered by Petitioner to Arkansas from 25,000 Mcf per day to 35,000 Mcf per day from and after May 1, 1965, and to authorize the exchange of gas through April 30, 1966. Petitioner, Colorado and Arkansas have entered into a letter agreement dated February 4, 1965, which includes the amendments herein described.

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 28, 1965.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-3738; Filed, Apr. 9, 1965; 8:46 a.m.]

[Docket No. RI65-475]

SHELL OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MARCH 11, 1965.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued January 29, 1965, and published in the FEDERAL REGISTER February 9, 1965 (F.R. Doc. 65-1249; 30 FR-1820-1823); in the chart change the "Proposed Increased Rate" 28.4 to read "23.4" opposite Supplement No. 2 to Rate Schedule No. 180.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-3739; Filed, Apr. 9, 1965; 8:46 a.m.]

[Docket No. CP60-14]

UNITED GAS PIPE LINE CO.

Notice of Motion To Further Amend

APRIL 5, 1965.

Take notice that on March 31, 1965, United Gas Pipe Line Co. (Petitioner), Shreveport, La., filed in Docket No. CP60-14 a motion to amend the order

issued by the Commission in said docket on August 11, 1960, and amended December 14, 1962, and June 25, 1964, which order and amendments authorized, among other things, the construction and operation of certain facilities and the delivery of up to 4,250 Mcf of natural gas per day to American Cyanamid Co. (American).

By the instant filing, Petitioner requests that the order of August 11, 1960, as amended, be further amended to authorize an increase in the total maximum delivery to American to 13,500 Mcf per day of natural gas. Petitioner states that no increase in pipeline capacity will be required for the increased volumes, but that the present 4-inch meter tubes must be replaced by 6-inch meter tubes. Petitioner therefore requests authorization to so enlarge and to operate the enlarged meter stations and to make other minor changes at a net cost of $1,337.

American will use the proposed increased volumes of natural gas for steam generation for process operations in its Acrylic Fiber Plant in Santa Rosa County, Fla.

The motion to amend states that the proposed amendment is requested pursuant to an agreement between American and Petitioner dated March 24, 1965.

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 May 2, 1965.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-3740; Filed, Apr. 9, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-542]

CAPITAL SECURITIES FUND, INC.

Notice of Proposal To Terminate Registration

APRIL 6, 1965.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion proposes to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), that Capital Securities Fund, Inc. ("Capital"), 135 South La Salle Street, Chicago 3, Ill., has ceased to be an investment company.

Capital registered as a management open-end diversified investment company under section 8(a) of the Act by filing a notification of registration on Form N-8A on April 14, 1948.

The Secretary of State of Illinois has informed the Commission that Capital was dissolved on December 1, 1951.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission 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 Capital Securities Fund, Inc., at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-3733; Filed, Apr. 9, 1965; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 6, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 7, 1965, through April 16, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-3734; Filed, Apr. 9, 1965; 8:46 a.m.]

[811-838]

MASTER FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 6, 1965.

Notice is hereby given that Master Fund, Inc. ("applicant"), 923 10th Street, Sacramento, Calif., a California corporation and a management open-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application and an amendment thereto pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations which are summarized below.

Applicant represents that it liquidated its investment portfolio, invited its shareholders to surrender their stock certificates for their liquidating value, and pursuant thereto distributed to shareholders substantially all of the assets of applicant. Applicant further represents that all but 12 shareholders have surrendered their stock certificates and received remittances for their respective shares of applicant's assets and that the total assets remaining to be distributed are less than $6,000.

Applicant states that its outstanding securities are beneficially owned by not more than one hundred persons and that it is not making and does not presently propose to make a public offering of its securities and therefore is exempt from the definition of an investment company pursuant to section 3(c)(1) of the Act.

Notice is further given that any interested person may, not later than April 30, 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 each request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order dis-

posing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-3735; Filed, Apr. 9, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1154]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 7, 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-67576. By order of March 31, 1965, the Transfer Board approved the transfer to Lester M. Gundrum, doing business as P. & E. Buehler Trucking, 15 Smith Avenue, Troy, N.Y., of the operating rights of Ernest P. Buehler and Lester M. Gundrum, a partnership, doing business as P. & E. Buehler Trucking, 281 Sixth Avenue, Troy, N.Y., authorizing the transportation, in No. MC-115059, of general commodities between Cherryplain, N.Y., and Albany, N.Y., and in Certificate of Registration No. MC-115059 (Sub-No. 2) to transport, general commodities, excluding household goods, commodities in bulk, and other specified commodities between the hamlet of Cherryplain (Rensselaer County), and the city of Albany, and between the city of Troy and the hamlet of Averill Park (Rensselaer County) via N.Y. 66, and return via the same route; cut piece goods, in shipper's containers, from the city of Troy to the village of Cobleskill (Schoharie County), and children's dresses, in shipper's containers, from the village of Cobleskill (Schoharie County) to the city of Troy.

No. MC-FC-67586. By order of March 31, 1965, the Transfer Board approved the transfer to Underfanger Moving & Storage, Inc., Springfield, Ill., of the operating rights of Elizabeth F. Wagner and Charles E. Wagner, a partnership, doing business as Underfanger Transfer & Storage, Springfield, Ill., issued April 18, 1961, in Certificate No. MC-5881, authorizing the transportation, over irregular routes, of household goods, between Springfield, Ill., on the one hand, and, on the other, St. Louis, Mo., and points in St. Louis County, Mo., and in Permit No. MC-52644, issued April 18, 1961, authorizing the transportation, over irregular routes, of high explosives and blasting supplies, between points in Sangamon County, Ill.

No. MC-FC-67658. By order of March 31, 1965, the Transfer Board approved the transfer to John F. Rush, doing business as Rush Trucking Service, Ponca, Nebr., of the Certificate in No. MC-5175, issued August 4, 1955, to William P. Rush and John F. Rush, a partnership, doing business as William P. Rush and Son, Ponca, Nebr., authorizing the transportation of: Agricultural implements and parts, from Council Bluffs, Iowa, to Ponca, Nebr., and points within 15 miles thereof; and livestock, agricultural commodities and Household goods, between Ponca, Nebr., and points within 15 miles thereof, on the one hand, and, on the other, points in Iowa.

No. MC-FC-67659. By order of March 31, 1965, the Transfer Board approved the transfer to Robert L. Custer, Dow City, Iowa, of the Certificate in No. MC-125245 (Sub-No. 1), issued September 10, 1963, to H. J. Houston, Dow City, Iowa, authorizing the transportation of: Farm machinery, hardware, binder twine, feed, seed, coal, and building materials, from Omaha, Nebr., to Dow City, Iowa, and points within 12 miles of Dow City; plumbing supplies, tires, lubricating oils and greases, and anti-freeze solution, from Omaha, Nebr., to Dow City, Iowa; and livestock, between Dow City, Iowa, and points within 12 miles of Dow City, on the one hand, and, on the other, Omaha, Nebr.

No. MC-FC-67660. By order of March 31, 1965, the Transfer Board approved the transfer to New York-New Jersey Chemical Carriers, Inc., Jersey City, N.J., of a portion of the Certificate in No. MC-20915, issued January 13, 1942, to Skyway, Inc., Kearny, N.J., authorizing the transportation of: Chemicals, tile, and cement, in bulk, between New York, N.Y., Lincoln and North Bergen, N.J., on the one hand, and, on the other, New York, N.Y., and points in Rockland, Westchester, and Nassau Counties, N.Y., and those in Union and Bergen Counties, N.J. Leo N. Knoblauch, 880 Bergen Ave., Jersey City, N.J., 07306, attorney for transferee. James J. Farrell, 201 Montague Place, South Orange, N.J., counsel for transferor.

No. MC-FC-67663. By order of March 31, 1965, the Transfer Board approved the transfer to General Products Transportation, Inc., Lexington, Mass., of Certificate of Registration in No. MC-99719 (Sub-No. 1), issued January 29, 1964, to Bertini Motor Lines, Inc., Burlington, Mass., evidencing a right to engage in transportation in interstate and foreign commerce corresponding in scope with State certificate No. 6309, dated October 27, 1955, issued by the Massachusetts Department of Public Utilities. Joseph A. Kline, 185 Devonshire Street, Boston, Mass., 02110, attorney for applicants.

No. MC-FC-67665. By order of March 31, 1965, the Transfer Board approved the transfer to Paul E. Monsen, doing business as Monsen Transfer, Box 113, Naknek, Alaska, of the "grandfather" operating rights claimed to have been performed by Paul E. Monsen and Melvin J. Monsen, doing business as Monsen Transfer, Box 113, Naknek, Alaska, and the substitution of Paul E. Monsen as applicant in the proceeding, assigned docket No. MC-123338, seeking the issuance of a certificate authorizing the transportation of: General commodities, except articles of unusual value, dangerous explosives, commodities in bulk, and those requiring special equipment, between Naknek, Alaska, and King Salmon, Alaska.

No. MC-FC-67701. By order of March 30, 1965, the Transfer Board approved the transfer to Verla Ringgenberg, doing business as J. O. Ringgenberg, Jetmore, Kans., of the operating rights in Certificate No. MC-107799, MC-107799 (Sub-No. 1), and MC-107799 (Sub-No. 2) issued May 6, 1947, June 29, 1950, and February 18, 1952, respectively to J. O. Ringgenberg, Jetmore, Kans., authorizing the transportation, over irregular routes, of: Petroleum products and liquified petroleum gasses, in bulk, in tank trucks, between specified points and areas in Kansas, Oklahoma, and Texas.

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

[F.R. Doc. 65-3756; Filed, Apr. 9, 1965; 8:47 a.m.]

[Notice 1154-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 7, 1965.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 179:

No. MC-F-8756. (SEA-LAND FREIGHT SERVICE, INC. — PURCHASE—ALASKA FREIGHT LINES, INC.), published in the May 27, 1964, issue of the FEDERAL REGISTER on page 6980; Amendment filed March 15, 1965, published in the March 24, 1965, issue of the FEDERAL REGISTER on page 3845, and corrected in the March 31, 1965, issue of the FEDERAL REGISTER on page 4225. By supplement filed March 30, 1965, to the amendment, applicants seek further authority (1) for SEA-LAND SERVICE, INC., (a) to bareboat charter 10 barges and lease certain other physical property of ALASKA FREIGHT LINES, INC., and (b) to purchase the common capital stock of ALASKA FREIGHT LINES, INC., and ALASKA NORTHERN EXPRESS, INC., and (2) for McLEAN INDUSTRIES, INC., and in turn, MALCOM P. McLEAN to acquire control of the above-described properties through the transaction. ALASKA NORTHERN EXPRESS, INC., holds no authority from this Commission.

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

[F.R. Doc. 65-3757; Filed, Apr. 9, 1965; 8:48 a.m.]

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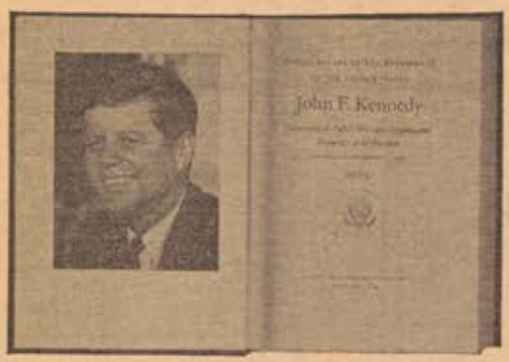

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