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FEDERAL REGISTER

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Washington, Saturday, December 12, 1964

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FEDERAL REGISTER

Area Code 202 Phone 963–3261

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

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published July 29, 1964, and November 26, 1964, which were designated for tobacco crop insurance for the 1965 crop year. The type of tobacco on which insurance is offered in the county is shown opposite the name of the county.

NORTH CAROLINA	
Gates	12

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager, Federal Crop Insurance Corporation.

[F.R. Doc. 64-12790; Filed, Dec. 11, 1964; 8:47 a.m.]

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 850.147, Rev. 1, Amdt. 1]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms—1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.147 of this chapter (29 F.R. 15801) is hereby amended as follows:

In § 850.147, subdivision (iii) of subparagraph (b) (1) is amended, paragraph (d) is amended by deleting the last sentence thereof and adding the following table and paragraph (q) is added. Section 850.147 is revised to read as follows:

§ 850.147 Proportionate shares for farms in the domestic beet sugar area.

* * * * *

(b) *National acreage, minimum proportionate share acreages for reserve localities, contingency acreage and State acreage allocations.* * * *

(1) * * *

(iii) *State acreage allocations* totaling 1,255,185 acres are hereby established as follows:

State	*Acres*
California	303,141
Colorado	176,101
Idaho	152,921
Illinois	1,084
Indiana	27
Iowa	3,799
Kansas	20,664
Michigan	77,781
Minnesota	111,830
Montana	63,173
Nebraska	80,642
Nevada	2,365
New Mexico	94
North Dakota	48,463
Ohio	29,164
Oregon	19,132
South Dakota	10,485
Texas	6,335
Utah	34,643
Washington	56,182
Wyoming	57,159
	1,255,185

(d) *Requests for shares.* * * *

State	*Closing Date*
California:	
Northern Area	Dec. 1, 1964.
Southern Area	Mar. 26, 1965.
Colorado	Jan. 22, 1965.
Idaho	Jan. 15, 1965.
Illinois	Mar. 19, 1965.
Indiana	Feb. 12, 1965.
Iowa	Mar. 1, 1965.
Kansas	Jan. 29, 1965.
Michigan	Feb. 12, 1965.
Minnesota	Jan. 29, 1965.
Montana	Jan. 15, 1965.
Nebraska	Feb. 12, 1965.
Nevada	Feb. 12, 1965.
New Mexico	Feb. 12, 1965.
New York	Mar. 12, 1965.
North Dakota	Jan. 29, 1965.
Ohio	Feb. 12, 1965.
Oregon	Jan. 15, 1965.
South Dakota	Feb. 12, 1965.
Texas	Jan. 29, 1965.
Utah	Jan. 29, 1965.
Washington	Jan. 8, 1965.
Wyoming	Jan. 15, 1965.

* * * * *

(q) *General provisions.* General provisions pertaining to conditional payments, including instructions for filing applications for payment, are set forth in Part 891 of this Chapter.

Statement of bases and considerations. Sugar Determination 850.147 (29 F.R. 15801) provides, among other things, that the State acreage allocations and closing dates for filing requests for proportionate shares will be supplied by amendment thereto. This amendment provides such acreage allocations and closing dates. Further, this amendment provides that the general provisions pertaining to conditional payments are set forth in Part 891 of this Chapter.

In determining State allocations a base acreage was established for each sugarbeet producing State on the record of its 1962–64 accredited acreage (acreage harvested for sugar, bona fide abandoned acres and prevented acres, but excluding acreage from the national sugarbeet acreage reserve) by adding 30 percent of the 1962–63 average accredited acreage and 70 percent of the 1964 accredited acreage. The resultant State base acreages were factored to 1,255,185 (the national limitation less the effective national reserve of 118,815 acres and the 1,000 contingency acreage). This method coincides with that recommended to the Department by sugarbeet grower associations and sugarbeet companies when they recommended that the 1965 crop be restricted.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132).

Effective date: Date of publication.

Signed at Washington, D.C., on December 9, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-12813; Filed, Dec. 11, 1964; 8:50 a.m.]

[Sugar Determination 855.10, Rev. 1, Amdt. 2]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 855.10 (29 F.R. 13595, 14102) is hereby amended by revising subparagraph (3) of paragraph (f) to read as follows:

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.

* * * * *

(f) *Adjustments in shares.* * * *

(3) To offset proportionate share acreages which will be unused on farms in Louisiana, 10,000 acres are available. Any operator of a farm in Louisiana for which a share is determined under paragraph (d) of this section may, within 7 days after the notice of such proportionate share is mailed to him, file a request with the County Committee for an increase in such share on a form available at the local Agricultural Stabilization and Conservation Service County Office (hereinafter referred to as "County Office"). However, requests may be accepted after such date if acreage is available under this subparagraph and if the State Committee determines that the persons desiring such increases were prevented from filing by such date because of absence, due to illness or other reasons beyond their control. If the total of the requests for additional acreage made in the State does not exceed the acreage made available under this subparagraph (3), the State Committee shall authorize County Committees to increase the shares of farms

in accordance with such requests subject to modifications by taking into consideration the ability of the operator to use such increase in light of availability and suitability of land, adequacy of drainage, availability of production and marketing facilities, establishment of proper sugarcane rotation practices, the maintenance of a proper relationship between total sugarcane acreage and suitable cropland and the need for minimum acreages in his mill area. If the total of the requests for additional acreage exceeds the acreage made available under this subparagraph (3), the State Committee shall prorate the acreage available to all parishes having farms for which increases in shares have been requested, on the basis of the accredited acreage record of such farms for the crop years 1962, 1963, and 1964. The State Committee shall authorize County Committees to increase shares for such farms within the acreage prorated by considering the above factors. If the total measured acreage of 1965 crop sugarcane covered by shares established for farms in Louisiana under paragraph (d) of this section including adjustments as provided in subparagraph (1) of this paragraph and this subparagraph (3), exceeds the total acreage of shares for farms in Louisiana authorized under paragraph (d) of this section including adjustments as provided in subparagraph (1) of this paragraph, the State Committee shall deduct such excess acreage from the shares that have been increased pursuant to this subparagraph (3), by reducing such shares, and by distributing pro-rata such deduction, based on the amount of the increase in each share under this subparagraph which is utilized.

* * * * *

Statement of bases and considerations. The original determination made 10,000 acres available to farmers in Louisiana to offset proportionate share acreages which would be unused on other farms in that State. County Committees were authorized to recommend to the State Committee the extent that each request for an increase in the share of an old producer should be granted by considering the availability of land and other factors having a bearing on the ability of the operator to produce sugarcane. The State Committee was authorized to modify any request for increase on the basis of the same criteria considered by the County Committees in making their recommendations.

Requests for increases have been received from every sugarcane parish in Louisiana. An examination of such requests indicates some lack of uniformity in the manner in which requests from farmers were considered by individual County Committees. Furthermore, the State Committee is not fully familiar with the conditions pertaining to individual farms.

This amendment provides that County Committees will forward each request for an increase in share without any further action on their part. Whenever the total requested acreage for increasing shares exceeds the acreage available for this purpose, the State Committee shall prorate the acreage available to parishes on the basis of the accredited acreage records for the years 1962 through 1964 of farms within the parishes for which increases have been requested. Increases in individual shares within the acreage prorated shall be made by County Committees in consideration of the criteria mentioned above. It is believed that this method will provide for a more uniform distribution of the acreage available.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on December 9, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-12814; Filed, Dec. 11, 1964; 8:50 a.m.]

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

[Navel Orange Reg. 64]

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

Limitation of Handling

§ 907.364 Navel Orange Regulation 64.

(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 December 10, 1964.

(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., December 13, 1964, and ending at 12:01 a.m., P.s.t., December 20, 1964, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 105,332 cartons;
(iii) District 3: 185,000 cartons;
(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: December 11, 1964.

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

[F.R. Doc. 64-12876; Filed, Dec. 11, 1964; 11:40 a.m.]

[Grapefruit Reg. 21]

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

Limitation of Shipments

§ 909.321 Grapefruit Regulation 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7

U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on December 3, 1964, to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on December 8, 1964; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., December 13, 1964, and ending at 12:01 a.m., P.s.t., January 24, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

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

(ii) Any grapefruit which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{11}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{7}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches in diameter directly to a destination in Zone 4 or Zone 3; and if the grapefruit is so handled directly to Zone 3 the grapefruit does not measure less than $3^{9}/_{16}$ inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{9}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{13}/_{16}$ inches in diameter and smaller.

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

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

Dated: December 10, 1964.

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

[F.R. Doc. 64–12850; Filed, Dec. 11, 1964; 8:50 a.m.]

[Lemon Reg. 142]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.442 Lemon Regulation 142.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), 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 recommendation 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 December 8, 1964.

(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., December 13, 1964, and ending at 12:01 a.m., P.s.t., December 20, 1964, are hereby fixed as follows:

(i) District 1: 46,500 cartons;

(ii) District 2: 88,350 cartons;

(iii) District 3: 69,750 cartons.

(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: December 10, 1964.

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

[F.R. Doc. 64–12851; Filed, Dec. 11, 1964; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1485—DAIRY PRODUCTS

Subpart—Special Dairy Products Export Payment Rates-by-Contract Program—Terms and Conditions (SM–8 Revision 1)

DAIRY PRODUCTS EXPORT PAYMENT RATES BY CONTRACT

Sec.

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

§ 1485.251 General statement.

This subpart supersedes the Special Nonfat Dry Milk Export Payment-in-Kind Rates-by-Contract Program and provides a special program of Commodity Credit Corporation (referred to in this subpart as "CCC") with respect to dairy products under which exporters may earn payments in the form of export commodity certificates at rates which will be determined on an offer and acceptance basis. The term "this program" when used in this subpart means the special dairy products export payment rates-by-contract program provided for in this subpart. This program will operate independently and on a separate basis from the Dairy Products Export Payment-in-Kind Program (28 F.R. 11667, as amended 29 F.R. 7312) (now terminated except as expressly provided in the termination notice as filed for publication in the FEDERAL REGISTER) which provides export payments-in-kind at rates announced by CCC. An export under the Dairy Products Export Payment-in-Kind Program will not be deemed to be an export under this program and vice versa. This subpart contains the regulations governing this program under which CCC will make payments in the form of export commodity certificates (called "certificates" in this subpart) to exporters who have exported or caused to be exported dairy products from commercial sources at payment rates determined by offers and acceptances as provided in § 1485.252. Eligible dairy products will be named and periods during which offers to export may be submitted will be announced by press release from time to time by the Office of the General Sales Manager, FAS. Certificates will be redeemable in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates. Such commodities delivered in redemption of certificates must also be exported. Dairy products obtained from CCC for export shall not be eligible for certificates unless other dairy products have been exported in satisfaction of the requirements of the export sale contract. This program will be carried out in behalf of CCC by the Foreign Agricultural Service (referred to herein as "FAS"), and by the Agricultural Stabilization and Conservation Service (referred to herein as "ASCS"), United States Department of Agriculture, and will be administered under the general direction and supervision of the General Sales Manager, FAS. Information pertaining to the program may be obtained as provided in § 1485.268.

§ 1485.252 Submission and acceptance of offers.

(a) Exporters desiring to participate in this program may submit offers, at times which will be announced by press release, to the Office of the General Sales Manager, FAS, to export specific quantities of dairy products from commercial sources at payment rates specified in the offers. An offer may be made by letter or telegram which must be received within the time specified for the receipt of offers. Such offer must state: (1) That the offer is made pursuant to Announcement SM–8; (2) The quantity and kind of dairy products to be exported including, in the case of cheese, the minimum milkfat content on a dry basis; (3) The offered export rate per net weight pound. If an offer is accepted, a telegraphic notice of acceptance by CCC will be given by the General Sales Manager stating an acceptance number. Such notice will be given within one business day after the time for the receipt of offers. "Business day" means any day of the week except Saturday, Sunday and days declared legal holidays by statute for United States Government employees. Failure to accept an offer will constitute a rejection of the offer. No notice of rejection will be given unless such notice is requested in the offer in which case such notice will be given by collect telegram. The exporter should promptly notify the Office of the General Sales Manager of any error in his offer. No offer, or modification, or withdrawal thereof, will be considered if received after the closing time for the receipt of offers, unless the General Sales Manager determines that: (i) Such offer, modification or withdrawal was delayed in transmission by mail or telegraph through no fault of Offerer, or (ii) the modification is made for the purpose of correcting an error apparent on the face of the original offer, for the purpose of clarifying an ambiguity or supplying an omission therein, or (iii) the modification is beneficial to CCC and not prejudicial to any other exporter. If an offer has been accepted before such a permissible change is received by CCC, the exporter will be permitted to cancel the contract with CCC. All communications pertaining to an Offer to Export to which an acceptance number has been assigned shall contain reference to the acceptance number. "General Sales Manager" as used in this subpart means the General Sales Manager, FAS, or his designee.

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

§ 1485.253 Exporter's contract with CCC.

The submission of an offer to export at a specific export payment rate and its acceptance by CCC shall constitute a contract between CCC and the exporter under which (a) subject to all the terms and conditions of this subpart, the exporter agrees to export or cause to be exported dairy products as provided in § 1485.255, to submit satisfactory evidence of such exportation as provided in § 1485.258, and, upon the failure to comply with such terms and conditions, to pay CCC for its damages as provided in § 1485.261, and (b) CCC agrees to issue certificates to the exporter as provided in § 1485.259.

§ 1485.254 Inspection of dairy products at time of production and at time of loading for export.

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

(b) The exporter shall also obtain from AMS through his own arrangements a grading certificate covering the inspection of the commodity at dockside

or border port of entry showing the quantity of the product, condition of the containers, and verification that the product being exported is the same as that reported on the quality and weight inspection certificates provided for in paragraph (a) of this section, for submission with the application for payment.

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

§ 1485.255 Exportation requirements.

(a) The exporter shall export or cause to be exported to eligible countries as defined in § 1485.271, the quantity of dairy products stated in the offer, during the period commencing on the date following the date of acceptance of the offer and ending ninety days after such date or within any extension of such period which is approved in writing by the General Sales Manager, FAS, as provided in § 1485.261(b). Such period during which exportation must be made is hereinafter referred to as the "export period."

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

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

(d) Dairy products shall be exported under this program only to an eligible country as defined in § 1485.271, and such dairy products so exported shall not be transshipped by the exporter to any country other than an eligible country.

§ 1485.256 Quantity tolerance.

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

§ 1485.257 Application for export commodity certificate.

An original and two copies of Application for Export Payment Form CCC–162, must be prepared and submitted to the Minneapolis ASCS Commodity Office, together with the evidence of the weight and quality or grade as provided in § 1485.254 and the evidence of exportation as provided in § 1485.258. Such evidence must be submitted within 60 days after the end of the export period. The exporter will be required to certify in the application that the dairy products were not exported by or to a United States Government Agency as defined in § 1485.255(b) of this subpart.

§ 1485.258 Documents required as evidence of export.

(a) Each Application for Export Payment, Form CCC–162 must be supported by the following documents evidencing export as applicable:

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

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

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

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

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

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

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

§ 1485.259 Export commodity certificate.

Upon receipt of an Application for Export Payment, Form CCC–162, according to § 1485.257, the Minneapolis ASCS Commodity Office will determine the amount of payment due and issue an Export Commodity Certificate, Form CCC–341, for the amount due.

(a) *Amount for which issued.* The amount shown in the space provided for the value of the certificate will be the amount obtained by multiplying the contract payment rate by whichever of the following is applicable.

(1) The number of pounds (net weight) of conventional nonfat dry milk

or low lactose nonfat dry milk exported.

(2) The number of pounds (net weight) of instant nonfat dry milk exported: *Provided, however,* That when the moisture content of such instant nonfat dry milk exceeds 4 percent, the net export weight shall be adjusted downward to a 4 percent moisture basis.

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

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

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

(4) The number of pounds of milkfat products (other than butter) exported adjusted to a basis of 80 percent milkfat. The milkfat content of products (other than butter) exported shall be evidenced by grading certificate submitted in support of exporter's applications for export payments.

(5) The number of pounds of eligible cheese exported. In no event shall payment be made on a greater quantity than 105 percent of the net quantity of the dairy products specified in the contract with CCC.

(b) *Payee.* Except as provided in § 1485.270, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

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

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

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

(f) *Expiration.* Certificates shall expire if not presented for redemption within 365 days after date of issuance shown on the certificate and thereafter shall have no value, unless the period for redemption is extended by CCC.

§ 1485.260 Performance guarantee.

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

§ 1485.261 Liquidated damages.

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

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

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

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

(iii) With respect to cheese, 0.03 cent (three-hundredths of a cent) per pound.

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

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

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

(iii) With respect to cheese, 0.9 cent (nine-tenths of a cent) per pound.

Failure of the exporter to submit evidence of exportation within 60 days after the final date for exportation specified in § 1485.255 or any extension thereof shall constitute prima facie evidence of failure to export. An exportation which has not been made to an eligible country within thirty calendar days after the end of the export period, unless such period is extended as provided in paragraph (b) of this section, shall be deemed not to have been made at all, and no payments from CCC will have been earned by the delayed exportation.

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

(4) It is agreed by the exporter and CCC that the liquidated damages provided herein are a reasonable estimate of the probable actual damages that would be incurred by CCC.

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

(c) If the exportation of any dairy products pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country, or if dairy products exported are re-entered into the United States, including Puerto Rico, regardless of whether such re-entry is caused by the exporter, or if any dairy products are transshipped or caused to be transshipped by the exporter to any country excluded by § 1485.271, the exporter shall be in default, and shall return to CCC any certificates issued by CCC in payment for export of such dairy products, or shall refund to CCC the face value of such certificates in cash and, with respect to any dairy products re-entered into the United States, including Puerto Rico, shall pay to CCC liquidated damages in the amounts provided in paragraph (a)(2) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the re-entry was not due to his fault or negligence and promptly after he received notice of re-entry, he subsequently exported a quantity of dairy products in fulfillment of the requirements of his contract with CCC equal to that which was re-entered, or (2) the dairy products re-entered were lost, damaged, or destroyed, and the physical condition is such that their re-entry will not impair CCC's export and price support programs.

§ 1485.262 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure contracts as provided under § 1485.253 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or, in its discretion, to deduct from the value which a certificate would otherwise have, the full amount of such commission, percentage, brokerage, or contingent fee, or to otherwise recover such full amount from the exporter.

§ 1485.263 Export and exportation.

"Export" or "exportation" means, except as hereinafter provided, a shipment from the Continental United States destined to another area excluding Alaska, Hawaii, and Puerto Rico. The dairy products so shipped shall be deemed to have been exported on the date which appears on the applicable on-board ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the Continental United States is by truck or rail, the date the shipment clears United States Customs. If the dairy products are lost, destroyed, or damaged after loading on-board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar docu-

ments if the loss, destruction, or damage occurs subsequent to loading on-board ship but prior to issuance of on-board ship ocean bill of lading or such other document: *Provided, however,* That if the "lost" or "damaged" dairy products remain in the United States, it shall be considered as re-entered and shall be subject to the provisions of § 1485.261 (c).

§ 1485.264 Performance and good faith.

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

§ 1485.265 Setoff.

If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Export Payment, Form CCC–162. Setoff as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action. Notwithstanding any assignment pursuant to § 1485.270, CCC may set off any amounts due CCC, if CCC notifies the assignee of such indebtedness to be set off at the time acknowledgment is made of receipt of the notice of assignment. CCC may set off any indebtness of exporter to CCC as to which the assignee was not so notified against any amount due and payable under the contract which remains after deduction of amounts (including interest and other charges) owing by contractor to the assignee for which the assignment was made.

§ 1485.266 Records and accounts.

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

§ 1485.267 Reports.

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

§ 1485.268 Field offices.

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

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

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

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

§ 1485.269 Officials not to benefit.

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

§ 1485.270 Assignments.

No assignment shall be made by an exporter of the exporter's contract, under the program or any rights thereunder, except that the exporter may assign the payments due the exporter under an Application for Export Payment, Form CCC–162, to any bank, trust company, Federal lending agency, or other financing institution, and, subject to the approval of CCC, assignment may be made to any other person or firm: *Provided, however,* That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, on Form CCC–251, Notice of Assignment, in accordance with the instructions on such form. *And provided further,* That any such assignment shall cover all amounts payable and not already paid under the contract, and shall not be made to more than one person, and shall not be subject to further assignment, except that any such assignment may be made to one person as agent or trustee for two or more persons participating in the financing transaction for which such assignment is given as security. The instrument of assignment may be executed on Form CCC–252 or the assignee may use his own form of assignment subject to acceptance by CCC. Forms may be obtained from the Minneapolis ASCS Commodity Office.

§ 1485.271 Eligible country or designated country.

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

Issued this 8th day of December 1964.

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

[F.R. Doc. 64–12837; Filed, Dec. 10, 1964; 3:53 p.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6373; Amdt. 39–13]

PART 39—AIRWORTHINESS DIRECTIVES [NEW]

Boeing Models 707 and 720 Series Aircraft

Amendment 689, 29 F.R. 2641, AD 64–5–1, as revised by Amendment 740, 29 F.R. 6945, and Amendment 785, 29 F.R. 11416, requires the installation of bonded laminate panels of thin aluminum sheet and glass cloth on the wing skin of Boeing Models 707 and 720 Series aircraft in the area of the surge tanks to prevent penetration of the skin by lightning strikes. The manufacturer has now issued a revision to Service Bulletin 1642 which revises the installation instructions contained therein and adds repair information. Accordingly, Amendment 689, as revised by Amendments 740 and 785, is further revised to indicate an equivalent means of compliance for certain repair or rework required by the AD.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), is amended as follows:

Amendment 689, 29 F.R. 2641, AD 64–5–1, as revised by Amendment 740, 29 F.R. 6945 and Amendment 785, 29 F.R. 11416, Boeing Models 707 and 720 Series aircraft, is further amended by:

1. Adding the following note at the end of the AD before the parenthetical reference statement to read:

NOTE: Boeing Service Bulletin 1642(R–1) dated September 22, 1964, is an equivalent means of complying with paragraphs (b), (c)(1) and (c)(3).

2. Changing the parenthetical reference statement to read:

(Boeing Service Bulletins 1642, dated June 22, 1962, and 1642(R–1), dated September 22, 1964, cover this subject.)

This amendment shall become effective December 12, 1964.

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

Issued in Washington, D.C., on December 8, 1964.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 64–12769; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SO-22]

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

Revocation of Federal Airway Segment and Reporting Point

On September 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13209) stating that the Federal Aviation Agency proposed to revoke a segment of Blue Federal Airway No. 48 between the Key West, Fla., radio beacon and the Gulfstream Intersection, and which would revoke the Marathon, Fla., radio beacon as a low altitude reporting point.

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

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 4, 1965, as hereinafter set forth.

1. In § 71.109 (29 F.R. 1008) Blue Federal Airway No. 48 is amended to read:

From the INT of the 077° bearing from the Marathon, Fla., RBN and the 153° bearing from the Miami, Fla., RBN, to the Miami RBN.

2. In § 71.203 (29 F.R. 1211) the Marathon, Fla., RBN is revoked as a low altitude reporting point.

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

Issued in Washington, D.C., on December 7, 1964.

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

[F.R. Doc. 64-12775; Filed, Dec. 11, 1964; 8:46 a.m.]

[Airspace Docket No. 64-CE-13]

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

Designation of Federal Airway

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13402) stating that the Federal Aviation Agency proposed to designate a VOR Federal airway from Sioux City, Iowa, to Farmington, Minn., via Mankato, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Force submitted an objection based on the fact that the airway would restrict the use of Oil Burner Route "Fine Line." Since Oil Burner Route "Fine Line" expires February 19, 1965, action is taken herein to establish an effective date for the airway after such expiration time.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 4, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 1009, 6436), VOR Federal airway No. 219 is amended by deleting "to Sioux City, Iowa." and substituting therefor "Sioux City, Iowa; Mankato, Minn.; to Farmington, Minn."

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

Issued in Washington, D.C., on December 7, 1964.

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

[F.R. Doc. 64-12773; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-37]

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

Designation of Control Zone and Alteration of Transition Areas

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13400) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Borger, Tex., 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 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following control zone is added:

BORGER, TEX.

That airspace within a 5-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.); and within 2 miles each side of the 141° bearing from latitude 35°41'30" N., longitude 101°23'45" W., extending from the 5-mile radius zone to 7.5 miles southeast of latitude 35°41'30" N., longitude 101°23'45" W., and 2 miles each side of the Borger VOR 185° radial extending from the 5-mile radius zone to the VOR, from 1000 to 2200 hours, local time, daily.

2. In § 71.181 (29 F.R. 2933) the Borger, Tex., transition area is amended to read as follows:

BORGER, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex. (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR, and within 8 miles NE and 5 miles SW of the 141° and 321° bearings from latitude 35°41'30" N., longitude 101°23'45" W., extending from 5 miles NW to 12 miles SE of latitude 35°41'30" N., longitude 101°-23'45" W.

3. In § 71.181 (29 F.R. 2933) the Amarillo, Tex., transition area is amended to read as follows:

AMARILLO, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°42'40" W.); that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 36°01'00" N., longitude 101°24'00" W.; to latitude 35°58'00" N., longitude 101°13'00" W.; to latitude 35°43'00" N., longitude 101°-13'00" W.; to latitude 35°42'00" N., longitude 100°29'00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°18'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°-27'00" W.; to latitude 34°40'00" N., longitude 101°39'00" W.; to latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 35°09'00" N., longitude 102°25'00" W.; to latitude 35°-37'00" N., longitude 102°05'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to latitude 35°59'00" N., longitude 101°30'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC. The portion of this transition area extending upward from 8,000 feet MSL which coincides with Federal airways is excluded.

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

Issued in Fort Worth, Tex., on December 7, 1964.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 64-12770; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-54]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the Longview, Tex., control zone and description of the Longview, Tex., transition area.

The Federal Aviation Agency will decommission the Marshall, Tex., VOR on December 10, 1964. Therefore, action is taken herein to delete reference to the Marshall VOR in the description of the Longview control zone and transition area and, in addition, to eliminate the southeast extension to the control zone which is no longer required.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 10, 1964, as hereinafter set forth.

1. In § 71.171 (29 F.R. 7017) the Longview, Tex., control zone is amended to read:

LONGVIEW, TEX.

Within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VOR 313° radial extending from the 5-mile radius zone to 8 miles NW of the VOR, within 2 miles each side of the Gregg County ILS localizer NW course extending from the 5-mile radius zone to the OM.

2. In § 71.181 (29 F.R. 7017) the Longview, Tex., transition area is amended to read:

LONGVIEW, TEX.

That airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Gregg County ILS localizer SE course extending from the INT of the Gregg County ILS localizer SE course and the 251° bearing from latitude 32°26'48" N., longitude 94°14'34" W. to 12 miles SE, and within 5 miles each side of the 230° bearing from latitude 32°26'48" N., longitude 94°-14'34" W. extending from the INT of the Gregg County VOR 181° radial and the 230° bearing from latitude 32°26'48" N., longitude 94°14'34" W. to the INT of the Gregg County ILS localizer SE course and the 230° bearing from latitude 32°26'48" N., longitude 94°14'-34" W., excluding the portion within Federal Airways.

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

Issued in Fort Worth, Tex., on December 4, 1964.

PHILLIP M. SWATEK,
Acting Director, Southwest Region.

[F.R. Doc. 64-12771; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SW-111]

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

Designation of Control Zone and Transition Area

On September 26, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 13402) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Paris, Tex., 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 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 4, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 1101) the following control zone is added:

PARIS, TEX.

That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius zone to 1 mile N of the VOR, from 1000 to 1900 hours, local time, daily.

2. In § 71.181 (29 F.R. 1160) the following transition area is added:

PARIS, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR; and that airspace extending upward from 1200' above the surface within the area bounded by a line beginning at latitude 33°08'00" N., longitude 95°18'00" W.; to latitude 33°07'00" N., longitude 95°41'00" W.; to latitude 33°49'00" N., longitude 95°34'00" W.; to latitude 33°49'00" N., longitude 95°18'00" W.; to point of beginning.

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

Issued in Fort Worth, Tex., on December 7, 1964.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 64-12772; Filed, Dec. 11, 1964; 8:45 a.m.]

[Airspace Docket No. 63-SO-102]

PART 73—SPECIAL USE AIRSPACE [NEW]

Redesignation of Temporary Restricted Area

On October 15, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14190) proposing amendments to Part 73 [New] of the Federal Aviation Regulations which would divide restricted area R-2903D at Jacksonville, Fla. into R-2903D Jacksonville West and R-2903E Jacksonville North and which would be designated as continuous from January 1, 1965, to December 31, 1965.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Florida Development Commission recommended that the floor of redesignated R-2903D be established as 1,300 feet MSL instead of 1,200 feet AGL. The Commission further recommended that miltiary aircraft not be allowed to descend below 1,300 feet MSL so that a firm separation of military and civil traffic will result. The floors of transition areas adjacent to the restricted areas are designated as 1,200 ft. AGL. Therefore, to designate the floor of R-2903D as 1,300 ft. MSL would result in an inconsistent configuration of controlled airspace. The recommendation that military aircraft not be allowed to descend below 1,300 feet MSL is not practical due to the proximal location of military airports to the area. In addition, compliance with current FAA regulations will provide the necessary separation of military and civil aircraft.

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 1, 1965, as hereinafter set forth.

1. In § 73.29 (29 F.R. 1245), restricted area R-2903D is amended to read as follows:

a. R-2903D *Jacksonville West, Fla.*

Boundaries. Beginning at latitude 30°21'-32" N., longitude 82°02'00" W.; to latitude 29°56'00"N., longitude 82°02'00" W.; counterclockwise along an arc of a circle 3 nautical miles in radius centered at latitude 29°53'20" N., longitude 82°00'25" W.; to latitude 29°53'30" N., longitude 82°04'00" W.; to latitude 30°00'00" N., longitude 82°19'30" W.; to latitude 30°03'00" N., longitude 82°20'00" W.; to latitude 30°22'00" N., longitude 82°20'00"W.; to the point of beginning.

Designated altitudes. 1,200 feet AGL to FL 230.

Time of designation. Continuous, terminating December 31, 1965.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

2. In § 73.29 (29 F.R. 1245), add the following:

b. R-2903E *Jacksonville North, Fla.*

Boundaries. Beginning at latitude 30°-15'30" N., longitude 81°50'00" W.; to latitude 30°15'30" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'-00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to the point of beginning.

Designated altitude. Surface to FL 230.

Time of designation. Continuous, terminating December 31, 1965.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander Fleet Air, Jacksonville, NAS Jacksonville, Fla.

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

Issued in Washington, D.C., on December 8, 1964.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 64-12776; Filed, Dec. 11, 1964; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is revised to read as follows:

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

1. Add new § 1001.109-50 as follows:

§ 1001.109-50 Deviations from subchapter.

(a) Deviations from this subchapter may be made only by the Procurement Committee (MCPC), Hq AFLC, or the Procurement Committee (SCK-3), Hq AFSC. Deviations which would involve major policy questions will be made only after coordination with the Directorate of Procurement Management, Hq USAF. Deviations from Part 1003, Subpart F of this subchapter, which affect funding or payment will be made only after coordination with the Directorate of Accounting and Finance, Hq USAF.

(b) Requests for authority to deviate from AFPI will include complete justification and will be forwarded (in triplicate) through channels as follows: AFSC and OAR activities to AFSC (SCK-3); all other activities to AFLC (MCPC). However, before approval of any request for deviation by AFSC or OAR base procurement activities, SCK-3 will coordinate the proposed action with MCPC.

(c) A record of each deviation from AFPI or AFPCs will be maintained by the respective offices which approved the

deviation, including the reasons why a deviation was necessary. One copy of each deviation granted by one command will be furnished to the other command as information.

§ 1001.111–2 [Amended]

2. In § 1001.111–2 the symbol is amended to read "(MCJMF)."

3. Add new §§ 1001.112 and 1001.114 as follows:

§ 1001.112 Federal procurement regulations and General Services Administration regulations relating to procurement of supplies and services.

See Part 5, Subpart L of this title for Interagency Purchase Assignments of Commodities to DOD activities and General Services Administration.

§ 1001.114 Reporting of identical bids.

Submission of reports. One copy of each report will be submitted to AFLC (MCJMF).

Subpart B—Definition of Terms

In § 1001.201–18(a)(3) amend the reference as follows:

§ 1001.201–18 Sources of supplies.

(a) * * *

(3) Regular dealers in the supplies to be procured as defined in § 12.603–2 of this title.

Subpart C—General Policies

§ 1001.352 [Amended]

In § 1001.352 delete the last sentence.

Subpart D—Procurement Responsibility and Authority

§ 1001.402 [Amended]

In § 1001.402(c) delete the first word "Base."

Subpart F—Debarred, Ineligible and Suspended Bidders

In Subpart F amend the symbol "(MCIMF)" to read "(MCJMF)" wherever it appears throughout the subpart.

Subpart G—Small Business Concerns

1. Add new § 1001.707 as follows:

§ 1001.707 Subcontracting with small business concerns.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart B—Solicitation of Bids

1. In § 1002.201(b)(21) delete present subdivisions (ix) and (x) and insert the following therefor.

§ 1002.201 Preparation of invitations for bids.

* * * * *

(b) * * *

(21) * * *

(ix) The following provision will be included in all Invitation for Bids calling for the purchase of milk or milk products:

STATE MINIMUM DISTRIBUTOR PRICE REGULATION NOT APPLICABLE (MARCH 1963)

This Procurement is financed by Appropriated Funds and is made under the authority of Chapter 137, Title 10, U.S.C., and the Armed Services Procurement Regulation. Pursuant to Paul vs. United States, decided by the Supreme Court of the United States on January 14, 1963, State minimum distributor price regulations with respect to milk or milk products are not applicable to this procurement.

(x) *Mortuary services.* See § 1004.2002(a)(5) and (6) of this subchapter.

§ 1002.205–51 [Amended]

2. In § 1002.205–51(b) the words "or commodity lists" are amended to read "(commodity lists)."

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart D—Types of Contracts

In § 1003.408 revise paragraphs (c)(3)(x)(*f*) and (d) to read as follows:

§ 1003.408 Letter contract.

* * * * *

(c) * * *

(3) * * *

(x) * * *

(*f*) Are there to be any deviations from standard contract clauses? If yes, comply with § 1001.109 of this subchapter.

* * * * *

(d) Copies of the letter contract issued will be forwarded to AFSC (SCK–3) or AFLC (MCPC) if the letter contract required their approval for issuance, or if the resultant definitive contract contemplated will require manual approval of DCS/Procurement and Production, AFSC, or Director of Procurement and Production, AFLC.

PART 1007—CONTRACT CLAUSES

Subpart B—Clauses for Cost-Reimbursement Type Supply Contracts

In § 1007.204–52 revise the introduction and paragraph (a) to read as follows:

§ 1007.204–52 Financial management report.

Insert the following clause in contracts of $100,000 or more.

FINANCIAL MANAGEMENT REPORT (SEPTEMBER 1964)

(a) On or before the thirtieth day of the month following the end of each calendar quarter until such time as the uninvoiced dollar amount of this contract is less than $100,000, the Contractor shall submit to the Contracting Officer, on DD Form 1097, dated November 1, 1959, or other authorized form calling for substantially the same information, furnished by the Contracting Officer, a report of the financial status of the contract, as of the end of such quarter. The Contracting Officer may extend the time for filing said report for a period not to exceed ten working days.

* * * * *

Subpart D—Clauses for Cost-Reimbursement Type Research and Development Contracts

Revise § 1007.403–52 to read as follows:

§ 1007.403–52 Financial management report.

Insert the clause in § 1007.204–52.

Subpart Y—Clauses and Arrangements for Letter Contracts

Revise §§ 1007.2504–3(a) and 1007.2505–3(a) to correct certain of the references and to delete footnote [1], as follows:

§ 1007.2504–3 Contract clauses for incorporation by reference.

(a) * * *

Sections 7.103–1 (Definitions); 7.103–2 (Changes); 7.103–3 (Extras); 7.103–4 (Variation in Quantity); 7.103–5 (Inspection); 7.103–6 (Responsibility for Supplies); 7.103–8 (Assignment of Claims); 7.103–9 (Additional Bond Security); 7.103–12 (Disputes); 7.103–13 (Renegotiation); 6.104–5 (Buy American Act); 12.303–1 (Work Hours Act of 1962; Overtime Compensation); 12.605 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not to Benefit); 7.103–20 (Covenant Against Contingent Fees); 7.104–12 (Military Security Requirements); 1.707–3(a) (Utilization of Small Business Concerns); 7.104–15 (Examination of Records); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 7.104–40 (Competition in Subcontracting); 12.203 (Convict Labor); 9.103–1 (Patent Indemnity); 9.102–2 (Authorization and Consent; R&D); 9.104 (Notice and Assistance Regarding Patent and Copyright Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.107–5(b) (Patent Rights; License); 9.203–1, 9.203–2, 9.203–3, and 9.203–4 (Data); 9.207–2(a) (Data; Withholding of Payment); 13.502 (Government-Furnished Property); 6.403 (Soviet Controlled Areas); 8.707 (Default); 7.104–4 (Notice to the Government of Labor Disputes); 1.805–3(a) (Utilization of Concerns in Labor Surplus Areas); 1.805–3(b) (Labor Surplus Area Subcontracting Program); 1.707–3(b) (Small Business Subcontracting Program); 12.102–3(a) (Payment for Overtime and Shift Premiums); 3.902–4 (Changes to Make-or-Buy Program); and § 163.118, Subpart F, Subchapter E of this title (Interest).

* * * * *

§ 1007.2505–3 Contract clauses incorporated by reference.

(a) * * *

Sections 7.103–1 (Definitions); 7.203–2 (Changes); 7.203–5 (Inspection of Supplies and Correction of Defects); 7.103–8 (Assignment of Claims); 7.103–13 (Renegotiation); 7.203–7 (Records); 7.203–8 (Subcontracts); 1.707–3(a) (Utilization of Small Business Concerns); 7.103–12 (Disputes); 6.104–5 (Buy American Act); 12.203 (Convict Labor); 12.303–1 (Work Hours Act of 1962; Overtime Compensation); 12.605 (Walsh-Healey Public Contracts Act); 12.802 (Nondiscrimination in Employment); 7.103–19 (Officials Not to Benefit); 7.103–20 (Covenant Against Contingent Fees); 13.503 (Government Property); 7.203–22 (Insurance; Liability to Third Persons); 7.104–12 as modified by 7.204–12 (Military Security Requirements); 7.104–16 (Gratuities); 7.104–18 (Priorities, Allocations and Allotments); 9.104 (Notice and Assistance Regarding Patent and Copyright Infringement); 9.106 (Filing of Patent Applications); 9.102–1 (Authorization and Consent); 9.102–2 (Authorization and Consent; R&D); 9.107–5(b) (Patent Rights; License); 9.203–1, 9.203–2, 9.203–3 and 9.203–4 (Data); 9.207–2(b) (Data; Withholding of Payment); 6.403 (Soviet Controlled Areas); 7.104–4 (Notice to

[1] [Deleted]

the Government of Labor Disputes); 1.805–3 (a) (Utilization of Concerns in Labor Surplus Areas); 1.805–3(b) (Labor Surplus Area Subcontracting Program); 8.708 (Excusable Delays); 1.707–3(b) (Small Business Subcontracting Program); 7.104–40 (Competition in Subcontracting); 12.102–3(a) (Payment for Overtime and Shift Premiums); 3.902–4 (Changes to Make-or-Buy Program); and 163.118, Subpart F, Subchapter E of this title (Interest).

* * * * *

Subpart Z, Clauses for Open Contracts for Equipment and Services, is deleted.

PART 1057—REPORTS

Present Subpart KK is rescinded and the following substituted therefor:

Subpart KK—Financial Management Report

Sec.

AUTHORITY: The provisions of this Subpart KK issued under sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

§ 1057.3700 Scope of subpart.

This subpart sets forth instructions for determining the financial status of AF contracts. DD Form 1097, Financial Management Report, will be used to obtain cost information according to instructions attached to the DD Form 1097. BOB approval No. 22–R180 applies.

§ 1057.3701 Applicability.

This subpart applies to all organizations concerned with the management and control of the financial status of AF contracts.

§ 1057.3702 Use and requirement for DD Form 1097.

The DD Form 1097 will be used to obtain the earliest possible knowledge of an increase or decrease in the estimated cost (overrun or underrun) while developing forecasts of contractor-incurred commitments and contractor expenditures for cost reimbursement contracts. (The term "overrun" is defined as the amount of funds required, in excess of the total estimated cost and fee provided in the basic contract, to complete performance of work required by the contract schedule, considering all amendments thereto.)

(a) All cost reimbursement type contracts, except facility contracts, with an uninvoiced dollar balance of $100,000 and over, regardless of contractor, will be reported. The Financial Management Report clause will be included in contracts according to §§ 1007.204–52 and 1007.403–53 of this subchapter.

(b) Control of fixed-price incentive and price-redetermination contracts is set forth in Subpart Z, Part 1054 of this subchapter. DD Form 1097 reporting requirements may be used when determined practicable by the PCO and made a requirement in the contract.

(c) Individual contract reporting requires completion of the DD Form 1097 heading and the following items: 1, 2, 3, 7, 8, 9, or 10, 11, 12, 13, 14, 15, 16, 18, and 19. Items 4, 5, and 6 of the form will be completed when conditions under Note 1 on the DD Form 1097 are met or provided for by contractual coverage.

(d) The PCO may, at his discretion, discontinue the financial management reporting requirement when the contract is physically completed.

(e) Normally, the DD Form 1097 will be prepared quarterly by the contractor and submitted to the ACO. However, the contractor is required to report (see § 1007.204–52 of this subchapter) anticipated overruns whenever the contractor has reason to believe such an event will occur. In the event of such an anticipated, or actual, overrun, the contractor will submit items 1 through 14 of the DD Form 1097 monthly until the overrun has been funded, or the situation which has created the overrun condition has been corrected. The monthly report will include a supplemental detailed cost breakdown identifying the anticipated overrun by providing at a minimum the information required by Subpart D, Part 1054 of this subchapter.

(f) ACOs will assure that appropriate contractors submit completed reports according to instructions. They will: (1) Furnish the contractors a supply of DD Forms 1097; (2) advise which specific reports are required including number of copies of report; and (3) will give necessary guidance based on this Instruction or other pertinent instructions. For the purpose of this report the contractor representative considered authorized to sign the report will be a senior-level manager of the contractor.

(g) Individual contract reports will be submitted by the contractor to the ACO involved not later than the 30th calendar day of the month following the end of each calendar quarter unless a portion of the report is required to be submitted monthly as set forth in paragraph (e) of this section. Extension of submission date, not to exceed 10 work days, may be granted by the ACO only upon consideration of written justification and request by the contractor. Recipients of DD Form 1097 reports will be advised by the ACO of approved extensions granted, including the revised submission date.

(h) ACOs will channel reports according to § 1057.3703(b).

(i) The ACO after review and analysis, will complete item 19 of the report. Review and analysis of the contractor report will include, but not necessarily be limited to, a review of any estimated cost increases (or decreases) shown in the contractor's forecast, as well as a review of the contractor's forecast of billings or payments to ascertain whether he has included all provisioning orders, work requests, and similar contingency items released to him.

§ 1057.3703 Action and distribution of DD Form 1097 and related data.

NOTE: Number of copies of individual DD Form 1097 reports reflected herein represents minimum requirement. Requirement for additional copies of individual DD Form 1097 reports by action elements will be forwarded to appropriate ACO.

(a) *Contractor action and distribution.* (1) The Form will normally be submitted by the contractor to the ACO in the number of copies designated by the ACO. Normally six copies will be required.

(2) Nothing in these instructions will be construed as relieving contractors from reporting on contracts directly to the AFSC divisions according to Bureau of Budget approved Exhibits relating to DD Form 1097 reporting incorporated in such contracts. DD Form 1097 may be incorporated and made a part of Bureau of Budget approved Exhibits When the frequency and due dates of the contractor submitted reports coincide, a single contractor submission will satisfy the requirements of this Instruction and that of approved contract Exhibits.

(b) *Air Force action and distribution of individual DD Form 1097.* (1) Contractor forwards required number of copies of completed individual DD Form 1097 to ACO within 30 days following close of calendar quarter. In the event of an anticipated or actual overrun, the contractor will submit items 1 through 14 of the report within 10 working days following the close of the month being reported.

(2) ACO (AFPRO/CMD) forwards one advance copy of each individual DD Form 1097 to PCO immediately upon receipt from contractor whether the report is being submitted on a quarterly or monthly basis.

(3) Upon receipt of advance copy of DD Form 1097, PCO will review to determine existence of estimated cost overrun or underrun which may result in a deficiency or excess of funds. On those reports indicating cost overruns, the PCO will immediately contact the initiator of the procurement (project officer) to determine whether the supplies and/or services are still required and whether there should be a change in quantity in light of anticipated increase in costs. The initiator (project officer) will take prompt action to determine whether additions funds are to be provided or the program is to be cut back and advise PCO of the determination. If additional funding is to be provided, follow the procedures in Subpart D, Part 1054 of this subchapter. Reports indicating contract cost underruns will be immediately investigated and necessary contractual action taken to effect removal of excess funds.

(4) Upon receipt of DD Form 1097 reports from the contractor, the ACO will complete item 19 of the Form and forward the required copies to the PCO for his information and action. Annotated copies will be forwarded by the ACO to arrive not later than 10 calendar days following receipt of the Form from the contractor. In completing item 19 of the report, the ACO will review and analyze the contractor's reasons for anticipated overrun, if applicable, and verify the accuracy and adequacy of the contractor's Forecast. One copy will be retained by the ACO for follow-up action and file.

(5) Upon receipt of completed DD Forms 1097 from the ACO, the PCO will review the submission and provide perti-

nent comments. Two copies of the report will be forwarded by the PCO to the initiator of the procurement for information and action. The PCO will also send an information copy of his comments to the ACO.

(6) The initiator of the procurement will forward one copy of the DD Form 1097 with all comments to appropriate higher authority if action is required.

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

Revise item E–904(b)(3) and (c) of § 1030.5 to read as follows:

§ 1030.5 Appendix E—Contract Financing.

* * * * *

Part IX—Assignment of Claims Arising Under Government Contracts

* * * * *

E–904 *Copies of notices for contracting officer and acknowledgment thereof.*

* * * * *

(b) * * *

(3) Return one copy of the notice thus acknowledged to the assignee and send two copies to the accounting and finance officer cited in the contract.

* * * * *

(c) Accounting and finance officers will not make payments to assignees until after receipt of the two copies of the notice of assignment duly acknowledged by the contracting officer.

* * * * *

(Sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012; 10 U.S.C. 2301–2314) [AFPI Rev. No. 46, September 30, 1964; AFPC No. 44, November 9, 1964]

By order of the Secretary of the Air Force.

ROBERT W. MANSS,
Major General, United States Air Force, The Judge Advocate General, United States Air Force.

[F.R. Doc. 64–12784; Filed, Dec. 11, 1964; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Key West, Fla., and Portage River, Ohio

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.189 governing the use and navigation of an explosives anchorage area in Man-O-War Harbor, Key West, Florida, is hereby revoked effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 202.189 Man-O-War Harbor, Key West, Florida; naval explosives anchorage area. [Revoked]

[Regs., 25 November 1964, 1507–32 (Key West, Fla.)–ENGCW–ON] (Sec. 7, 38 Stat. 1053; 33 U.S.C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.641 is hereby amended with respect to paragraph (f) to include a new subparagraph (8) and new § 203.705a is hereby prescribed to govern the operation of the New York Central Railroad Company bridge across Portage River, Port Clinton, Ohio, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

* * * * *

(8) Portage River, Ohio; The New York Central Railroad Company bridge at Port Clinton, Mile 1.51. During the months from 1 December to 1 May, at least 24 hours' advance notice required. During the months from 1 May to 1 December, the draw need not be opened for the passage of vessels between 10:00 p.m. and 6:00 a.m. At all times not covered by the regulations in this subparagraph the regulations contained in § 203.705a shall govern the operation of this bridge.

§ 203.705a Portage River, Ohio; The New York Central Railroad Company bridge at Port Clinton, Mile 1.51.

(a) The owners of or agencies controlling the bridge shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(b) The draw of the bridge shall, upon receiving from a vessel the prescribed call signal, be opened immediately for the passage of the vessel: *Provided,* That the opening of the draw may be delayed not to exceed 7 minutes after receipt of signal to permit the passage thereover of a mail or passenger train which is ready to cross at the time of the vessel's signal: *Provided,* That no such vessel or other watercraft shall be delayed for a longer period than 15 minutes.

(c) Signals:

(1) *Call signal for opening of draw.* Three long blasts and one short blast of a whistle, horn, or siren, repeated at intervals until the acknowledging signal is received from the bridge tender.

(2) *Acknowledging signal.* Same as call signal.

(d) Trains and vehicles shall not be stopped on the bridge for the purpose of delaying the opening, nor shall watercraft be handled so as to hinder or delay the operation of the draw, but all passage over or through the bridge shall be prompt to prevent delay to either land or water traffic.

(e) The bridge shall not be required to open for pleasure craft carrying appurtenances unessential to navigation which extend above the normal superstructure. Upon request, the District Engineer, Corps of Engineers, Detroit, Michigan, will cause an inspection to be made of the superstructures and appurtenances of any such craft habitually frequenting the waterway, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

NOTE: The special regulations contained in § 203.641, subparagraph (f)(8), prescribed where local conditions require to govern the operation of this bridge, supplement the general regulations in this section.

[Regs., 25 November 1964, 1507–32 (Portage River, Ohio)–ENGCW–ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 64–12785; Filed, Dec. 11, 1964; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4–1—GENERAL

Subpart 4–1.6—Debarred, Suspended and Ineligible Bidders

MISCELLANEOUS AMENDMENTS

Section 4–1.600 *Scope of subpart* and § 4–1.602–1 *Bases for entry on the debarred, suspended, and ineligible list,* are amended as follows:

Section 4–1.600 is deleted and the following is inserted in lieu thereof:

§ 4–1.600 Scope of subpart.

This subpart supplements and implements § 1–1.600 of this title. It prescribes policies and procedures relating to debarment, ineligibility, or suspension of bidders for any cause. It is applicable to all procurement and sales contracting by the Department except contracting by the Commodity Credit Corporation. Regulations applicable to that Corporation are stated at 29 F.R. 10495 (7 CFR Part 1407). However, any notice of debarment or suspension action and any subsequent consideration thereof by the Commodity Credit Corporation under 29 F.R. 10495 (7 CFR Part 1407) shall apply to all transactions by the Department unless an exception is made by the Department Debarring Officer. (See § 4–1.602–1(d).)

Section 4–1.602–1 is amended by adding the following paragraph (d):

§ 4–1.602–1 Bases for entry on the debarred, suspended and ineligible list.

* * * * *

(d) Those notified of debarment or suspension by the Commodity Credit Corporation under the regulation stated at 29 F.R. 10495 (7 CFR Part 1407).

Done at Washington, D.C., this 8th day of November 1964.

JOSEPH M. ROBERTSON,
Assistant Secretary for Administration.

[F.R. Doc. 64–12791; Filed, Dec. 11, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1047]

[Docket No. AO-33-A31]

MILK IN FORT WAYNE, IND., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on September 24, 1964, pursuant to notice thereof issued on September 8, 1964 (29 F.R. 12875).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on November 13, 1964 (29 F.R. 15443; F.R. Doc. 64-11776) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the reclassification of sour cream and sour cream products from Class I milk to Class II milk.

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

Sour cream not labeled Grade A should be reclassified under the Fort Wayne order from Class I to Class II milk. The classification of sour cream and sour cream products disposed of under a Grade A label should not be changed.

The order designates sour cream as a fluid milk product and classifies skim milk and butterfat used in fluid milk products as Class I milk. The order also classifies skim milk and butterfat in any "sour cream product" as Class I milk if such product is disposed of under a Grade A label. It was proposed by a Fort Wayne handler that all sour cream and sour cream products be removed from the fluid milk product category and be classified as Class II milk irrespective of whether they are labeled Grade A.

Essentially, the proponent's proposal would reduce the minimum prices of skim milk and butterfat used in sour cream. This change was suggested on the principal ground that proponent could be more competitive in the sale of sour cream.

Basically, the order classifies as Class I all fluid milk products which require the use of Grade A milk. It also fixes the class prices at levels which will assure an adequate supply of milk for use in such products. Milk which is in excess of the market needs for fluid uses generally is processed into manufactured dairy products such as butter and nonfat dry milk. Such use of producer milk is designated Class II and is priced at the level of manufacturing grade milk since all manufactured milk products generally compete in a common market whether made from Grade A milk or ungraded milk.

Sour cream has been classified Class I under the Fort Wayne order principally on the basis that it requires a supply of Grade A milk (official notice is taken of the Assistant Secretary's decision issued April 10, 1961 (26 F.R. 3191) containing findings and conclusions to this effect). Applicable health regulations require that sour cream sold in the Fort Wayne marketing area be labeled Grade A. Consequently, it continues to require a regular supply of Grade A milk. In this respect it is quite different from butter or other Class II products which are storable and can be made from producer milk delivered during the flush production months or from manufacturing grade milk.

A principal contention by proponent is that sour cream should be reclassified on the basis of obtaining closer alignment of prices between orders. To effectuate orderly marketing it obviously is desirable to have reasonably close alignment of prices among Federal milk orders—particularly among orders where there is an overlap of sales territory by handlers regulated under different orders. The Fort Wayne handler sells sour cream in competition not only with sour cream priced under the Indianapolis order but also with sour cream priced under the Chicago order.

At the present time the Indianapolis order classifies and prices milk used in sour cream as Class II. However, since the Chicago market is another regulated market from which sour cream is sold in competition with proponent's product, a price comparison with that order also is appropriate in consideration of interorder alignment. Sour cream is designated Class II under the Chicago order also. However, this is a three-class market and the minimum price for butterfat in sour cream in Class II under the Chicago order actually is higher than the minimum price for butterfat in Class I under the Fort Wayne order. (Official notice is taken of the Chicago order.)

Further, the Fort Wayne market is in relatively close competition with certain other Federal order markets also. Official notice is taken of the South Bend-LaPorte-Elkhart, Toledo, and North Central Ohio orders all of which classify sour cream in Class I. The order cost of skim milk and butterfat for sour cream in these markets is very comparable to the cost as Class I milk under the Fort Wayne order. Thus, reclassification of sour cream under the Fort Wayne order irrespective of labeling would alter but not necessarily improve alignment among the several adjacent markets.

The order currently provides for the classification in Class II of sour cream products, such as party dips, which are not labeled Grade A. In the absence of appropriate testimony that similar treatment of sour cream would create competitive problems or would be administratively impracticable in this market, the classification provision is revised to reclassify sour cream as Class II milk when not labeled Grade A. This will permit handlers to avoid the classification complained of in meeting any competition from other sour cream not under the Grade A label.

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

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

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

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a market-

ing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of September 1964 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order as amended and as hereby proposed to be amended, amending the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area, is approved or favored by producers, as defined under the terms of the order as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on December 9, 1964.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Fort Wayne, Indiana, Marketing Area

§ 1047.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling—It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended and as hereby amended, as follows:

Section 1047.16 is revised to read as follows:

§ 1047.16 Fluid milk product.

Fluid milk product means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk disposed of for fluid consumption (other than in hermetically sealed cans), cream, sour cream and sour cream products labeled Grade A, and any mixture of cream and milk or skim milk (except frozen cream, aerated cream products, eggnog, milk shake mixes, ice cream, ice cream mixes, other frozen desserts and sterilized products packaged in hermetically sealed containers).

[F.R. Doc. 64-12815; Filed, Dec. 11, 1964; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900-14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

MALONE-DUFORT AIRPORT, MALONE, NEW YORK

Proposed Revocation of Designation as International Airport

Malone-Dufort Airport, Malone, New York, is a designated international airport (airport of entry). However, the customs office at Malone, New York, was closed in 1963. Since that time, it has been necessary to provide customs service at Malone-Dufort Airport, by detailing customs officers from another port. The number of aircraft arrivals, from foreign territory at Malone, is very small, and does not justify the expense of providing customs service. The Massena Airport, a designated international airport located nearby, can readily handle the Malone air traffic requiring customs service with little inconvenience to flyers.

Accordingly, notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 1109(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1509 (b)), it is proposed to revoke the designation of Malone-Dufort Airport, Malone, New York, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States (see 19 CFR 6.1, 6.2), and it is further proposed to amend § 6.13 of the Customs Regulations by deleting therefrom the location and name of this airport.

Data, views, or arguments with respect to the proposed revocation of the designation of Malone-Dufort Airport as an international airport may be addressed to the Commissioner of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received by the Commissioner of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

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

Approved: November 24, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-12800; Filed, Dec. 11, 1964; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 15731]

WET LEASES TO FOREIGN AIR CARRIERS

Statements of General Policy

DECEMBER 8, 1964.

Notice is hereby given that the Civil Aeronautics Board is considering the desirability of amending Part 399, its statements of General Policy, to establish a new Board policy with respect to so-called "wet leases" by United States air carriers to foreign air carriers. The subject and the issues involved are explained in the Explanatory Statement set forth below. The amendment is proposed under the authority of sections 204(a), 412, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 770, 771; 49 U.S.C. 1324, 1382, 1386) and of section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through the

submission of ten (10) copies of written data, views, or arguments, pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before December 23, 1964 will be considered by the Board. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In Order No. E–20635 (March 31, 1964) the Board authorized, for six months, an arrangement whereby Airlift International, Inc. (Airlift) would "wet lease" (i.e. would lease aircraft and crew) a jet aircraft to Alitalia-Linee Aeree Italiane-S.p.A. (Alitalia) for at least two round trip all-cargo flights per week over Alitalia's transatlantic route. On August 6, 1964, Airlift asked the Board to extend the authorization for an additional thirteen months. In Order No. E–21335 (September 30, 1964) the Board extended the authorization for a three month period, stating that:

> The Board is currently reviewing its policy with regard to long-term utilization for a foreign air carrier of the facilities of a United States air carrier in the conduct of the route operations authorized in its foreign air carrier permit.

The instant notice of proposed rule making is in implementation of the Board's review of its policy.

For more than ten years the Board has followed a relatively restrictive policy when it has been asked to authorize a long-term wet lease by a United States carrier to the holder of a foreign air carrier permit.[1] Ordinarily, the Board has found that:

> It is not in the public interest as described in [section 2 of the Civil Aeronautics Act of 1938] for the holder of a foreign air carrier permit, which may be in competition with United States certificated flag carriers, to render itself fit, willing and able properly to perform the air transportation required by its permit through leasing, on an indefinite basis, the equipment, operating staff and other resources of a United States air carrier."[2]

The Board has permitted wet leasing in exceptional cases. Thus, United States air carriers have been allowed to wet lease to foreign air carriers in cases in which the arrangement helped foreign air carriers inaugurate operations on a route;[3] in a case in which the arrangement helped a foreign air carrier to maintain its previous level of operations while it awaited replacement of an aircraft lost in an accident;[4] and in the case of the previously discussed Airlift-Alitalia arrangement which enabled Alitalia to institute services authorized by an interim arrangement (pending arbitration proceedings) between the governments of the United States and Italy.[5] In these exceptional cases, the Board has required that the arrangements be only temporary, and the Board has insisted that within a reasonable time the foreign carrier plan to operate the service without United States resources.[6]

The Board's restrictive policy first was developed at a time when there were a number of countries with substantial market potential which had not developed airlines capable of intercontinental service. It was feared that a liberal Board policy would result in United States carriers carrying out, on a permanent basis, operations authorized by foreign air carrier permits. Now the factual situation has changed. International aviation has developed significantly since the policy was first established, and air services are now being provided by foreign air carriers between their respective homelands and the United States in most markets with a large traffic potential. Another significant recent development is that many financially weak United States carriers, including supplemental and all-cargo carriers, now are unable to obtain full time utilization of the expensive jet equipment which the competitive situation has forced them to acquire. It may be that wet lease arrangements should be restricted to those carriers who have an urgent need for additional utilization of equipment or have a compelling need to supplement operating revenue. Accordingly, the Board is requesting comments as to whether a change in policy is appropriate.

The attached proposal is purely illustrative and the Board is prepared to consider comments and counterproposals from interested persons.

Proposed rule. The Civil Aeronautics Board is considering the desirability of amending Part 399, its Statements of General Policy (14 CFR Part 399), by adding to Subpart B a new § 399.19 to read as follows:

§ 399.19 Wet leases to foreign air carriers.

(a) This policy statement sets forth the major factors which the Board will consider in acting upon applications for authorization of long-term "wet leases" (i.e., leases in which the lessor provides both the aircraft and the crew) by a United States carrier to the holder of a foreign air carrier permit.

(b) A wet lease of the type described in paragraph (a) of this section will be deemed to be in the public interest only if operations thereunder will not have a significant adverse competitive impact on any United States carrier. In making this determination, the Board will consider such factors as: the relative size and financial strength of the United States carriers and the foreign carriers operating on the route; whether the proposed operation will require any United States carrier to reduce its level of frequency on the route; and whether the proposed operation will render uneconomic any United States carrier's operations over the route.

(c) In no case will the Board approve a wet lease arrangement which would impair the United States air carrier's ability to fulfill its certificate obligations.

(d) Subject to the conditions stated in paragraphs (b) and (c) of this section, the Board will normally approve wet lease arrangements in the following situations:

(1) When a foreign air carrier-lessee is at an early stage of development and intends to place primary reliance upon the wet lease arrangement to support its international operations. In such instances the wet lease will normally be approved for a maximum period of two

[1] See e.g., In re Capitol Airways, Inc. & Compagnie Nationale Air France, Order No. E–15516 (July 7, 1960); In re Slick Airways, Inc., Order No. E–15128 (April 20, 1960). A wet lease usually constitutes a "cooperative working arrangement," which is subject to Board disapproval under Section 412 of the Federal Aviation Act of 1958. Additionally, if the lessor will be engaging in common carriage between points for which it holds no operating authority, it must obtain such authority (e.g., by means of a section 416(b) exemption).

It should be emphasized that the policy here discussed relates to long-term wet leases, and not to wet leases for a few flights. The Board has frequently permitted the latter type of lease in emergencies (e.g., a strike or an accident rendering a foreign carrier's aircraft nonoperational.)

[2] In re Seaboard & Western Air Lines, Inc. & Aerlinte Eireann TTA, Order No. E–7108 (January 28, 1953).

[3] See e.g., In re Trans Caribbean Airways, Inc. & Aerovias Interamericanas de Panama, S. A., Order No. E–8910 (January 24, 1955); In re Transocean Air Lines, Inc. & Airwork, Ltd., Order No. E–8976 (February 25, 1955); In re Slick Airways, Inc. & Airwork, Ltd., Order No. E–8977 (February 25, 1955); In re Seaboard & Western Air Lines, Inc., & Aerlinte Eireann Teoranta, Order No. E–12308 (March 31, 1958); California Eastern, Control, 26 C.A.B. 272 (1958). See also the following cases involving inauguration of all-cargo services: In re Transocean Airlines, Inc. & Deutsche Lufthansa Aktiengesellschaft, Order Nos. E–12012 (December 12, 1957) and E–13718 (April 8, 1959); In re The Flying Tiger Line Inc. & Deutsche Lufthansa Aktiengesellschaft, Order No. E–14883 (January 29, 1960); In re Slick Airways, Inc., Order Nos. E–12012 (December 12, 1957) and E–14645 (November 12, 1959).

[4] In re Trans International Airlines, Inc., Order No. E–21349 (October 2, 1964).

[5] In re Airlift International, Inc., Order No. E–20635 (March 31, 1964).

[6] The length of authorized operations has only once exceeded two years. (See In re The Flying Tiger Line Inc. & Deutsche Lufthansa Aktiengesellschaft, Order No. E–14883 (January 29, 1960) in which the operations for which approval was granted and operations under previous authorizations took place over a period of two and one-half years. In granting the final authorization the Board relied, inter alia, upon representations by the Department of State that there were overriding national interest considerations. In some cases involving carriers already operating over a route, two years has been considered excessive. See generally, In re Seaboard & Western Air Lines, Inc. & Aerlinte Eireann TTA, supra n. 2; In re Slick Airways, Inc., Order No. E–15128 (April 20, 1960); In re Airlift International, Inc., supra n. 5.

years; provided, however, that no such wet lease shall be approved unless it is shown that the foreign air carrier-lessee will be in a position to establish an independent viable operation by the end of the two-year period.

(2) When a foreign air carrier-lessee has an established international air service in being, possesses substantial equipment of its own, and desires to inaugurate a new class of service. In such instances the wet lease may be approved, subject to periodic Board review to insure that the criteria set forth in paragraph (b) of this section continue to be fulfilled.

(3) When the wet lease is for the sole purpose of enabling a foreign air carrier-lessee to replace equipment rendered non-operational by an emergency beyond its control (e.g., by an accident). In such instances the wet lease may be approved for a period not to exceed six months, whether or not the criteria set forth in paragraph (b) of this section are met.

[F.R. Doc. 64-12817; Filed, Dec. 11, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39 [New]]

[Docket No. 6372]

AIRWORTHINESS DIRECTIVES

Douglas Model DC-6 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 [New] of the Federal Aviation Regulations to include an airworthiness directive for Douglas Model DC-6 Series aircraft. There have been several failures of the main gear torque links. To correct this condition, this AD requires inspection and rework or replacement of the torque links.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before January 11, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 [New] (14 CFR Part 39 [New]), by adding the following airworthiness directive:

DOUGLAS. Applies to Model DC-6 Series aircraft.

Compliance required as indicated.

Due to the failure of a main gear torque link, P/N 8065-46, the wheels and axle of the main gear rotated 180 degrees. To correct this condition, accomplish the following on torque links, Douglas P/N 8065-46, which have not been reworked in accordance with Douglas Service Engineering Letters C1-78-133/DJW dated January 28, 1964, C1-78-977/DJW dated June 22, 1964, or C1-78-1311/DJW dated August 11, 1964, and attached service sketches:

(a) Within 600 hours' time in service after the effective date of this AD for torque links which have been installed on aircraft for 20,000 or more hours' time in service on the effective date of this AD, and prior to the accumulation of 20,600 hours' time in service for torque links which have been installed on aircraft for less than 20,000 hours' time in service on the effective date of this AD.

(1) Inspect for cracks in the area of the vertical webs adjacent to the trunnion holes, using a 10-power glass or an equivalent method approved by the Aircraft Engineering Division, FAA Western Region.

(2) Torque links with cracks greater than 0.170 inch in depth shall be replaced before further flight with torque links reworked in accordance with Douglas Service Engineering Letters C1-78-133/DJW dated January 28, 1964, C1-78-977/DJW dated June 22, 1964, or C1-78-1311/DJW dated August 11, 1964.

(3) Torque links with cracks 0.170 inch in depth or less shall be:

(i) Reworked before further flight in accordance with Douglas Service Engineering Letter C1-78-1311/DJW dated August 11, 1964, and Douglas Service Sketch No. 608-A attached thereto, or an equivalent method approved by the Aircraft Engineering Division, FAA Western Region; or

(ii) Replaced before further flight with torque links reworked in accordance with Douglas Service Engineering Letters C1-78-133/DJW dated January 28, 1964, C1-78-977/DJW dated June 22, 1964, or C1-78-1311/DJW dated August 11, 1964.

(4) If no cracks are found, repeat the inspection described in subparagraph (1) at intervals not to exceed 600 hours' time in service from the last inspection.

(b) The repetitive inspections required by subparagraph (a)(4) may be discontinued on torque links reworked in accordance with subparagraph (a)(3).

(c) Operators who have not kept records of hours' time in service on individual torque links shall substitute airplane hours' time in service in lieu thereof.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Douglas Service Engineering Letter C1-78-1311/DJW dated August 11, 1964, and Service Sketch No. 608-A attached thereto, cover this same subject.)

Issued in Washington, D.C., on December 8, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-12777; Filed, Dec. 11, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-35]

FEDERAL AIRWAY AND LOW ALTITUDE REPORTING POINT

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter and extend VOR Federal airway No. 220 between Akron, Colo. and Grand Island, Nebr. and which would designate a new low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The FAA proposes to redesignate the segment of V-220 from Akron, Colo. via the intersection of the Akron 094° and the McCook, Nebr., 263° True radials; McCook; intersection of the McCook 072° and the Grand Island, Nebr., 241° True radials; to Grand Island. The proposed alteration and extension of V-220 would provide an air carrier route with continuous controlled airspace for scheduled air traffic presently operating between Denver, Colo. and Lincoln, Nebr., with intermediate stops at McCook, Kearney, Nebr., and Hastings, Nebr. In addition, it is proposed to designate the McCook VOR as a low altitude reporting point.

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

Issued in Washington, D.C., on December 7, 1964.

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

[F.R. Doc. 64-12774; Filed, Dec. 11, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-AL-16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New]

of the Federal Aviation Regulations which would modify the control zone at Big Delta Airport, Big Delta, Alaska.

The Big Delta, Alaska, Control Zone is presently designated within a 5-mile radius of the Big Delta Airport (latitude 64°00′ N., longitude 145°43′ W.); and within 2 miles each side of the Big Delta radio range northwest course, extending from the 5-mile radius zone to 12 miles northwest of the radio range.

The Federal Aviation Agency, having completed a review of the terminal airspace structure requirements at Big Delta, including studies pertinent to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace action:

In § 71.171 (29 F.R. 1106) the Big Delta, Alaska, Control Zone would be redescribed as that area within a 5-mile radius of the Big Delta Airport (latitude 64°00′ N., longitude 145°43′ W.); and within 2 miles each side of the Big Delta RR NE and NW courses, extending from the 5-mile radius zone to 8 miles NE and 9½ miles NW of the RR; within 2 miles each side of the Big Delta VOR 040° and 315° radials, extending from the 5-mile radius zone to 8 miles NE and 10 miles NW of the VOR.

This proposal would reduce the length of the existing control zone extension to the northwest by approximately 2 miles. An additional extension to the northwest would be established to provide protective airspace for the JAL VOR approach procedure. Also, a new extension to the northeast, predicated on the radio range and the VOR, would provide protective airspace for aircraft executing approaches using the new VOR procedure and the revised radio range procedure.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the 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 public Docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501.

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

Issued in Anchorage, Alaska, on December 4, 1964.

JAMES G. ROGERS,
Director, Alaskan Region.

[F.R. Doc. 64–12778; Filed, Dec. 11, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–CE–80]

TRANSITION AREAS, CONTROL ZONES AND CONTROL AREA EXTENSION

Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations which would alter the controlled airspace in the Muncie, Indiana; Marion, Indiana; and Anderson, Indiana, terminal areas.

The following controlled airspace is presently designated in the Muncie, Marion and Anderson, Indiana, terminal areas:

1. The Muncie, Indiana, control zone is designated within a 3-mile radius of the Delaware County Airport, Muncie, Indiana (latitude 40°14′26″ N., longitude 85°23′43″ W.), from 0700 to 2300 hours, local time, daily.

2. The Muncie, Indiana, control area extension is designated as that airspace bounded on the NW by V–14, on the E by V–55 and on the S by V–210.

3. That portion of the Fort Wayne, Indiana, control area extension S of Fort Wayne bounded on the E by V–55, on the SE by V–14 and on the NW by V–11W alternate and V–96; SW of a line extending from latitude 40°40′00″ N., longitude 85°30′00″ W., to latitude 40°28′30″ N., longitude 85°20′45″ W.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Muncie, Marion and Anderson, Indiana, terminal areas, including studies attendant to the implementation of the provisions of the Civil Air Regulations Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Muncie, Indiana, control zone as that airspace within a 5-mile radius of the Delaware County Airport, Muncie, Indiana (latitude 40°-14′25″ N., longitude 85°23′35″ W.) from 0700 to 2300 hours local time, daily.

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

3. Designate Marion, Indiana, control zone as that airspace within a 5-mile radius of Marion Municipal Airport (latitude 40°29′25″ N., longitude 85°40′40″ W.), and within 2 miles each side of the Marion VOR 042° and 211° radials extending from the 5-mile radius zone to 8 miles NE and SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continually in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964.

4. Designate the Marion, Indiana, transition area as that airspace extending upward from 700 feet above the surface within a 12-mile radius of Marion Municipal Airport, Marion, Indiana (latitude 40°29′25″ N., longitude 85°40′-40″ W.), and within 8 miles S and 5 miles N of the Marion VOR 042° radial extending from the 12-mile radius area to 14 miles NE of the airport.

5. Designate the Anderson, Indiana, transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Anderson Municipal Airport, Anderson, Indiana (latitude 40°06′30″ N., longitude 85°36′-55″ W.); and within 2 miles each side of the 298° bearing from Anderson Municipal Airport extending from the 5-mile radius to 13 miles NW of the airport.

6. Revoke the Muncie, Indiana, control area extension.

The Fort Wayne control area extension which will coincide in part with the transition areas proposed herein will be revoked at a later date. This revocation will be proposed after studies attendant to the implementation of the Civil Air Regulations Amendments 60–21/60–29 have been completed for adjoining terminal areas.

The proposed alteration of the Muncie control zone increases the radius from 3 miles to 5 miles which is the normal radius for a control zone when an instrument approach procedure is prescribed. A "Special" instrument approach procedure is prescribed at Muncie for use by Lake Central Airlines and others under contract with them. The 5-mile zone will provide protection for aircraft executing the prescribed "Special" instrument approach procedure and for all departing aircraft at Delaware County Airport, Muncie, Indiana. The control zone will be in effect from 0700 to 2300 hours, local time, daily, the hours during which the Federal Control Tower is in operation.

The proposed control zone at Marion will provide protection for aircraft

executing prescribed arrival and departure procedures at the Marion Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Lake Central Airlines. The normal hours for the taking of these weather observations and the dissemination of this information will be from 0630 to 2100 hours, local time, Monday thru Saturday and 0830 to 2100 hours, local time, Sunday. However, in the event of airline schedule changes, these hours may be changed. Normally, thirty days notice will be given prior to any change by Notice to Airmen and published in the Airman's Guide or its successor publication, the Airman's Information Manual, now planned for publication on December 10, 1964. The proposed extensions to the northeast and southwest will provide protection for aircraft executing prescribed VOR instrument approaches to Runways 4 and 22.

By the proposed designation of transition areas at Muncie, Marion and Anderson, the floor of the controlled airspace boardering the immediate vicinity of these locations would be raised from 700 feet to 1200 feet above the surface. The portion of these transition areas with a floor of 700 feet above the surface will provide protection for aircraft executing prescribed instrument approach procedures. The portion of the transition areas with a floor of 1200 feet above the surface will provide protection for aircraft in prescribed holding patterns and for aircraft being radar vectored by the Indianapolis Air Route Traffic Control Center.

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

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, Missouri, 64110.

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

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

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

Issued at Kansas City, Missouri, on December 3, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-12779; Filed, Dec. 11; 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-91]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace in the Battle Creek, Mich., terminal area.

The presently existing Battle Creek, Michigan, control zone is designated as that airspace within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42°18'35" N., longitude 85°14'-55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 215° radials extending from a 5-mile radius zone to 8 miles NE and SW of the VORTAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

Having completed a comprehensive review of airspace requirements in Battle Creek, Michigan, including studies attendant to the implementation of the provisions of Amendments 60-21 and 60-29 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace action:

Redesignate the Battle Creek, Michigan, control zone as that airspace within a 5-mile radius of Kellogg Field, Battle Creek, Michigan (latitude 42°18'35" N., longitude 85°14'55" W.), within 2 miles each side of the Battle Creek VORTAC 050° and 117° radials, extending from the 5-mile radius zone to 8 miles NE and SE of the VORTAC; within 2 miles each side of the Battle Creek VORTAC 215° radial, extending from the 5-mile radius zone to 12 miles SW of the VORTAC, and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of Runway 4.

The implementation of Amendments 60-21 and 60-29 of the Civil Air Regulations in the Battle Creek, Michigan, terminal area was accomplished in 1963. However, two of the instrument approach procedures at Battle Creek, Michigan, have been revised. As a result of these revisions, aircraft are permitted to descend to an altitude of less than 1,000 feet above the surface prior to entering the control zone. The proposed alteration to the Battle Creek control zone will permit instrument approach procedures involving flight below 1,000 feet above the surface to be conducted within the control zone.

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, Missouri, 64110.

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

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

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

Issued at Kansas City, Missouri, on December 1, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-12780; Filed, Dec. 11, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-WE-21]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations which would designate a control zone at the Tacoma Industrial Airport, Tacoma, Washington.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace requirements in the Tacoma Industrial Airport terminal area, proposes the following airspace action:

Designate a control zone at Tacoma, Washington, to comprise that airspace within a 5-mile radius of the Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion within a one-mile radius of

the South Tacoma Airport (latitude 47°-13'00" N., longitude 122°29'26" W.). The control zone shall be effective during the times established in advance by a notice to Airmen and continuously published in the Airman's Guide.

The control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Tacoma Industrial Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of West Coast Airlines.

Communications service will be furnished by the FAA's McChord RAPCON through a remotely controlled 120.1 mc. transmitter and receiver located at the site of the Tacoma Industrial Radio Beacon (latitude 47°21'29" N., longitude 122°33'41" W.).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, California, 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, California, 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, California, on December 4, 1964.

JOSEPH H. TIPPETS,
Director, Western Region.

By: A. E. Horning.

[F.R. Doc. 64-12781; Filed, Dec. 11, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Endrin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 5F0424) has been filed by Shell Chemical Company, Division of Shell Oil Company, 110 West 51st Street, New York, New York, 10020, proposing the establishment of a tolerance of 0.1 part per million for residues of the insecticide endrin in or on broccoli, brussels sprouts, cabbage, and cauliflower.

The petition was found to be deficient because of inconclusive results for establishment of definite no-effect levels from the rat and dog feeding studies and because adequate reproduction data are lacking. However, the petitioner requested that the petition be filed as submitted, as provided in § 120.7(d).

The analytical method proposed in the petition for determining residues of endrin is based on gas-liquid chromatography with an electron affinity detector.

Dated: December 8, 1964.

MALCOM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-12798; Filed, Dec. 11, 1964; 8:48 a.m.]

VIRGINIA CHEMICALS AND SMELTING CO.

Notice of Filing of Petition for Food Additives Defoaming Agents Used in Coatings

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1586) has been filed by Virginia Chemicals and Smelting Company, West Norfolk, Virginia, proposing that § 121.2557(d)(3) be amended by inserting alphabetically in the list of substances two new items, as follows:

List of substance	Limitations
• • •	• • •
Dimers and trimers of unsaturated C_{18} fatty acids derived from: Animal and vegetable fats and oils. Tall oil. Polyoxyethylene (20) sorbitan monostearate.	For use only at levels not to exceed 0.1 percent by weight of total coating solids.
	• • •

Dated: December 8, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-12799; Filed, Dec. 11, 1964; 8:48 a.m.]

W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives Ethylene-Alkene-1 Copolymers and Polyethylene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B1570) has been filed by W. R. Grace & Company, 225 Allwood Road, Clifton, New Jersey, 07015, proposing that § 121.2508 *Ethylene-alkene-1 copolymers* and § 121.2510 *Polyethylene* be amended so as to define only the basic ethylene-alkene-1 copolymers and basic polyethylene polymers that may be used as articles or components of articles intended for use in contact with food.

Dated: December 8, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-12796; Filed, Dec. 11, 1964; 8:48 a.m.]

NATIONAL DAIRY PRODUCTS CORP.

Notice of Filing of Petition Regarding Food Additives Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5A1618) has been filed by National Dairy Products Corporation, 801 Waukegan Road, Glenview, Illinois, proposing that § 121.1070(d)(1) be amended by adding "emulsifier" to the named uses of fatty acids in food.

Dated: December 8, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-12797; Filed, Dec. 11, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-187]

NORTHROP CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1 to Facility License No. R-90. The license authorizes Northrop Corporation to operate its TRIGA Mark F nuclear reactor located at Hawthorne, California. The amendment authorizes Northrop Corporation to perform a series of pulsed neutron irradiation experiments in the reactor as described in the licensee's application for license amendment dated July 10, 1964.

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, Ch. 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 hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition 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 July 10, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545 Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License R-90, Amdt. 1]

License No. R-90, issued to Northrop Corporation, is hereby amended in the following respects:

In Addition to the activities previously authorized by the Commission in License No. R-90, Northrop Corporation is authorized:

1. to perform a series of pulsed neutron irradiation experiments in its TRIGA Mark F reactor facility, as described in its application amendment dated July 10, 1964, provided however, that the experiments are performed with the guide tubes filled with water.

This amendment is effective as of the date of issuance.

Date of issuance: December 3, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-12803; Filed, Dec. 11, 1964; 8:48 a.m.]

[Docket No. 50-187]

NORTHROP CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 2 to Facility License No. R-90. The license authorizes Northrop Corporation to operate its TRIGA Mark F nuclear reactor located at Hawthorne, California. The amendment authorizes Northrop Corporation to perform in-core irradiations of nonfissionable, nonexplosive solid type materials in the existing vertical access tube of the reactor, as described in the licensee's application for license amendment dated October 13, 1964, and supplemental letter dated November 2, 1964.

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, Ch. 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 hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition 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 October 13, 1964, and supplemental letter dated November 2, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License R-90, Amdt. 2]

License No. R-90, issued to Northrop Corporation, is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-90, Northrop Corporation is authorized:

(1) to perform in-core irradiations of nonfissionable, non-explosive solid type materials in the existing vertical access tube of the reactor, as described in its application amendment dated October 13, 1964, and supplemental letter dated November 2, 1964.

This amendment is effective as of the date of issuance.

Date of issuance: December 3, 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-12804; Filed, Dec. 11, 1964; 8:48 a.m.]

[Docket No. 50-205]

PACIFIC GAS AND ELECTRIC CO.

Notice of Withdrawal of Application for Utilization Facility License

Please take notice that Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, by letter dated November 4, 1964, has withdrawn its application for a license to construct and operate a nuclear reactor at Bodega Bay, California. A copy of the letter of withdrawal is available for inspection in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Notice of receipt of the application was published in the FEDERAL REGISTER on January 31, 1963, 28 F.R. 915.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

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

[F.R. Doc. 64-12805; Filed, Dec. 11, 1964; 8:48 a.m.]

[Docket No. 50-135]

WALTER REED ARMY MEDICAL CENTER

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. 4, set forth below, to Facility License No. R-85. The license, as amended, authorizes Walter Reed Army Medical Center to operate its Atomics International Model L-54 homogeneous solution type nuclear reactor located on the Walter Reed Army Medical Center site in Washington, D.C. The amendment authorizes (1) the installation and use of a Thermal Column Irradiation Cave, (2) the installation and use of a Breech Loading Mechanism, and (3) loading of the Breech Loading Mechanism without supervision by the Supervisor of Reactor Operations, as described in the licensee's application for license amendment dated August 31, 1964.

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, Ch. 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 hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition 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 August 31, 1964, and (2) the Hazards Analysis prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 3d day of December 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

By: RICHARD E. IRELAND.

AMENDMENT TO FACILITY LICENSE

[License R–85, Amdt. 4]

Facility License No. R–85, as amended, issued to Walter Reed Army Medical Center, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R–85, as amended, Walter Reed Army Medical Center is authorized:

a. To install and use a Thermal Column Irradiation Cave,

b. To install and use a Breech Loading Mechanism in the northwest 4 inch diameter Horizontal Port, and

c. To load the Breech Loading Mechanism without supervision by the Supervisor of Reactor Operations, as described in the application amendment dated August 31, 1964.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64–12806; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. 50–160]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Proposed Issuance of Facility License

Notice is hereby given that unless within fifteen days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by the Georgia Institute of Technology ("Georgia Tech"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, the Commission proposes to issue a facility license substantially in the form set forth below. The proposed license would authorize Georgia Tech to possess and operate a tank-type nuclear reactor at a maximum steady state power level of one (1) megawatt (thermal) on Georgia Tech's campus in Atlanta, Ga. Construction of the reactor was authorized by Construction Permit No. CPRR–57 issued June 13, 1960.

Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether a finding can be made that the reactor has been constructed in accordance with the provisions of Construction Permit No. CPRR–57.

The Commission has found that:

(1) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) Georgia Tech is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

(4) Georgia Tech is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Georgia Tech is therefore exempt from the financial protection requirement of subsection 170a. of the Atomic Energy Act of 1954, as amended.

(5) The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application dated February 1, 1960, and amendments thereto dated April 26, 1960, July 28, 1961, January 18, 1963, February 15, 1963, June 23, 1964, December 3, 1964, December 4, 1964 and December 7, 1964, (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, and (3) the Technical Specifications referred to as Appendix A to the proposed facility license, all 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 10th day of December 1964.

For the Atomic Energy Commission.

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

PROPOSED FACILITY LICENSE

1. This license applies to the one-megawatt (thermal), heavy water moderated, tank-type nuclear reactor (hereinafter "the reactor") which is owned by the Georgia Institute of Technology (hereinafter "Georgia Tech") and located on Georgia Tech's campus in Atlanta, Ga., and described in the application dated February 1, 1960, and amendments thereto dated April 26, 1960, July 28, 1961, January 18, 1963, February 15, 1963, June 23, 1964, December 3, 1964, December 4, 1964 and December 7, 1964.

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission ("the Commission") hereby licenses Georgia Tech:

A. Pursuant to Section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location on Georgia Tech's campus in Atlanta, Ga.;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material," to receive, possess and use in connection with operation of the reactor up to 11.0 kilograms of contained uranium-235;

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," (1) to possess and use a 50-curie antimony-beryllium sealed neutron source for reactor startup, and (2) to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* Georgia Tech shall not operate the reactor at steady state power levels in excess of one (1) megawatt (thermal).

B. *Technical Specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. Georgia Tech shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests, and experiments.* Georgia Tech may (1) make changes in the reactor as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of Section 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) Georgia Tech shall make an immediate report in writing to the Commission of any indication of occurrence of a possible unsafe condition relating to the operation of the reactor, including without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the reactor from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) Georgia Tech shall report to the Commission in writing significant changes in accident analyses, as described in the hazards summary report.

(3) Georgia Tech shall file with the Commission no later than sixty (60) days after completion of initial startup and power operation tests a report describing the measured values obtained.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, Georgia Tech shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of Georgia Tech as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Georgia Tech, for use in the operation of the reactor, 11.0 kilograms of uranium-235 contained in uranium enriched to approximately 93% in the isotope U–235. Estimated schedules of special nuclear material transfers to Georgia Tech and returns to the Commission are contained in Appendix B which is attached hereto. Transfers by the Commission to Georgia Tech in accordance with column 2 in Appendix B will be conditioned upon Georgia Tech's return to the Commission of

material substantially in accordance with column 3 of Appendix B.

5. This license is effective as of the date of issuance and shall expire at midnight June 13, 1980.

Date of issuance:

For the Atomic Energy Commission.

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

[F.R. Doc. 64-12881; Filed, Dec. 11, 1964; 11:41 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-13]

GENERAL TELEPHONE CO.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA-OE-5730) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The General Telephone Company, Marion, Ohio, proposes to construct a guyed microwave radio tower at latitude 39°18'13" north, longitude 82°04'20" west, near Athens, Ohio. The overall height of the structure would be 1190 feet above mean sea level (AMSL) (200 feet above ground level [AGL]).

The proponent previously submitted a proposal for a 1223-foot AMSL (210 feet AGL) structure at latitude 39°18'43" north, longitude 82°04'41" west, 1.8 miles south of the Ohio University Airport. An aeronautical study of this proposal disclosed that it would exceed § 77.25(b)(2), Federal Aviation Regulations, as applied to the Ohio University Airport, by the full height. In addition, because of its location and height, the circling minimums of the approved ADF approach (AL-5208-ADF-1) to the Ohio University Airport would have to be raised from 800 to 900 feet. In view of this and other objections received, the proponent resubmitted the proposal with an amended height and location.

An aeronautical study of the new proposal disclosed that the structure would exceed the standards for determining hazards to air navigation in § 77.25(b)(2) of the Federal Aviation Regulations, as applied to the Ohio University Airport, by its entire height since the terrain at the site already exceeds this criteria. The revised site, located 2.3 miles south of the airport, coupled with a 33-foot reduction in height AMSL, eliminates the necessity to raise the circling minimums. The proposed structure would no longer be in the circling area for instrument flight rules (IFR) aircraft and would not adversely affect instrument operations at the Ohio University Airport.

The proposed site is 2.3 miles south of the Ohio University Airport's only landing strip, and east/west runway, and would be beyond a normal traffic pattern and not in line with any runway. The airport is located in a valley at an elevation of 632 feet. Terrain, immediately north and south of the airport rises to an average elevation of 900 feet AMSL with higher terrain, 1003 feet AMSL located between the airport and the proposed site. The proposed structure would extend 187 feet above the higher terrain. In view of the nature of the terrain, it would be expected that aircraft traversing the area of the proposed site, including those entering a traffic pattern, would be at altitudes high enough to sufficiently clear the proposed structure. The traffic pattern for this airport is established at 1500 feet AMSL and aircraft at this altitude would clear the structure by 310 feet.

The proposed structure does not lie along any visual flight rules (VFR) routes and would not interfere with any IFR procedures. Based upon the aeronautical study, it is the finding of the Agency that the proposed construction 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 [New]), 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 [New] (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 [New]).

Issued in Washington, D.C., on December 4, 1964.

RALPH H. FLETCHER,
Acting Chief, Obstruction Evaluation Branch.

[F.R. Doc. 64-12782; Filed, Dec. 11, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15625; FCC 64M-1234]

KVOL, INC. (KVOL)

Order Continuing Hearing

In re application of Radio Station KVOL, Inc. (KVOL), Lafayette, Louisiana, Docket No. 15625, File No. BP-14947; for construction permit.

The Hearing Examiner having under consideration a petition filed December 7, 1964, by the above-entitled applicant requesting that the prehearing conference presently scheduled for December 8, 1964, be continued to December 18, 1964; and

It appearing that the date presently scheduled conflicts with prior commitments of one of the parties, that all parties are agreeable to the immediate favorable consideration of this petition, and good cause for granting the same having been shown:

It is ordered, This the 8th day of December 1964, that the petition for continuance is granted, and the prehearing conference presently scheduled for December 8, 1964, is continued to December 18, 1964, beginning at 9:00 a.m. in the offices of the Commission, Washington, D.C.

It is further ordered, That the evidentiary hearing now scheduled to begin on Thursday, December 10, 1964, is continued to a date to be announced at the conclusion of the prehearing conference on December 18, 1964.

Released: December 8, 1964.

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

[F.R. Doc. 64-12816; Filed, Dec. 11, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

MARYLAND PORT AUTHORITY ET AL.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

John C. Cooper III, Piper & Marbury, 900 First National Bank Building, Light & Redwood Streets, Baltimore, Md.

Agreement No. T-1739, between the Maryland Port Authority (Authority) and the Chesapeake Operating Company and the Stockard Shipping & Terminal Corporation (Companies), provides for the sub-lease of certain terminal property at Locust Point, Baltimore, Maryland.

The agreement is subject to all of the terms, provisions, and conditions of approved Agreement No. T-32, between Authority and the Baltimore & Ohio Railroad.

Dated: December 9, 1964.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12801; Filed, Dec. 11, 1964; 8:48 a.m.]

U.S. ATLANTIC AND GULF OF MEXICO AND RED SEA AND GULF OF ADEN RATE AGREEMENT

Notice of Agreements Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. W. R. Greiner, Secretary,
U.S. Atlantic and Gulf of Mexico—
Red Sea and Gulf of Aden Rate Agreement,
90 Broad Street,
New York, N.Y. 10004.

Agreement No. 8630-1 between the member lines of the U.S. Atlantic and Gulf of Mexico—Red Sea and Gulf of Aden Rate Agreement has been filed with the Commission for approval to modify the Admission, Withdrawal, and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523), and to establish a Self-Policing System pursuant to General Order 7 (46 CFR Part 528).

Dated: December 9, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-12802; Filed, Dec. 11, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65-351 etc.]

ALVIN C. HOPE ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 4, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedule sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-351	Alvin C. Hope (Operator), et al., Milam Building, San Antonio 5, Tex. Attn: Mr. Thomas W. Ward.	1	4	West Lake Natural Gasoline Co.[2] (Lake Trammell (Canyon) Field, Nolan County, Tex.) (R.R. Dist. No. 7-B).	$180	11-9-64	[3] 1-1-65	[4] 1-2-65	8.5	[5] 9.0	RI60-401.
	do	2	4	do	10	11-9-64	[3] 1-1-65	[4] 1-2-65	8.5	[5] [6] 9.0	RI61-520.
RI65-352	Bowers Drilling Co., Inc. (Operator), et al, Wichita Building Wichita, Kans.	[7] 3	1	Cities Service Gas Co. (Boggs Field, Barber County, Kans.).	11,000	11-13-64	[7] 12-22-64	[4] 12-23-64	[8] 13.0	[5] [6] [9] 14.0	
RI65-353	Rohde, Henderson and Dawson, Post Office Box 191, Borger, Tex.	[10] 2	-------	Phillips Petroleum Co. (Panhandle Field, Gray County, Tex.) (R.R. Dist. No. 10).	-------	11-9-64	[11] 12-10-64	[4] 12-11-64	9.0		
		2	1		1,620	11-9-64	[11] 12-10-64	[4] 12-11-64	[12] [13] [14] 9.0	[5] [13] [14] [15] 11.0	
RI65-354	P. G. Lake, Inc., Post Office Box 179, Tyler, Tex.	[16] 7	1	Cities Service Gas Co. Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	301	11-9-64	[7] 1-1-65	[4] 1-2-65	[8] [14] 13.0	[5] [6] [14] 14.0	

[2] For resale to El Paso Natural Gas Co. under West Lake Natural Gasoline Co. (Operator), et al., FPC Gas Rate Schedule No. 1.
[3] End of suspension period for West Lake's related increased rate in Docket No. RI65-29.
[4] The suspension period is limited to one day.
[5] Revenue-sharing rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] The stated effective date is the effective date requested by Respondent.
[8] Periodic rate increase.
[9] Subject to a downward Btu adjustment.
[10] Supersedes Rohde, Henderson and Dawson's FPC Gas Rate Schedule No. 1.
[11] The stated effective date is the first day after expiration of the required statutory notice.
[12] Renegotiated rate increase.
[13] Includes 1.5 cents per Mcf for compressing gas.
[14] Subject to 0.4466 cent per Mcf deduction for sour gas.
[15] Includes 2.5 cents per Mcf for compressing gas.
[16] Includes 0.75 cent per Mcf deducted by buyer for dehydrating gas.
[17] Basic contract dated subsequent to Sept. 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Rohde, Henderson and Dawson (Rohda) request a retroactive effective date of March 1, 1964, for their proposed superseding rate schedule and related notice of change in rate. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Rohde's proposed rate filings and such request is denied.

Alvin C. Hope (Operator), et al. (Hope) proposes two revenue-sharing rate increases for sales to West Lake Gasoline Company (West Lake), a subsidiary of El Paso Natural Gas Company (El Paso). West Lake gathers and processes the gas and resells it to El Paso under its FPC Gas Rate Schedule No. 1 and pays its suppliers 50 percent of the amount it receives from El Paso. On July 1, 1964, West Lake filed a periodic increase from 17.0 cents to 18.0 cents per Mcf for its sale to El Paso, which was suspended for five months until January 1, 1965, in Docket No. RI65–29, because it exceeds the 11.5 cents per Mcf area ceiling for increased rates. Hope's proposed rate increases are based upon West Lake's suspended 18.0 cents per Mcf rate. Although Hope's proposed revenue-sharing rate increases are below the 11.5 cents per Mcf area ceiling as set forth in the Commission's Statement of General Policy No. 61–1, as amended, they are suspended until January 2, 1965, because of their relationship to West Lake's increased rate.

Rohde submits a superseding contract and a related notice of change in rate. The buyer, Phillips Petroleum Company, gathers the gas in its Texas Panhandle gathering system, processes it in its plants and resells the residue gas at the plant outlet. The area rate ceiling is considered to be applicable to the sale of gas by Phillips Petroleum Company after gathering and processing. Accordingly, the proposed rate involved here, although not in excess of the applicable increased rate ceiling for pipeline quality gas as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56), should be suspended for one day because the sale related thereto is considered to be for non-pipeline quality gas within the meaning of the policy statement.

The contracts related to the rate filings proposed by Bowers Drilling Company, Inc. (Operator), et al. (Bowers), and P. G. Lake, Inc. (Lake) were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61–1, as amended, and the proposed increased rates are above the applicable area ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. We believe, in this situation, that Bowers and Lake's rate filings should be suspended for one day from December 22, 1964, and January 1, 1965, respectively, the proposed effective dates.

[F.R. Doc. 64–12711; Filed, Dec. 11, 1964; 8:45 a.m.]

[Docket No. RI65–355 etc.]

MARATHON OIL CO.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 3, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 20, 1965.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65–355	Marathon Oil Co., 539 South Main Street, Findlay, Ohio, 45840. Attn: Mr. R. Joseph Opperman.	4	7	Northern Natural Gas Co. (Southeast Lea County Field, Lea County, N. Mex.) (Permian Basin Area).	$23,220	11–10–64	[11] 12–11–64	5–11–65	11.0	[4] [5] 11.7212	RI64–690 (Fractured-rate).
RI65–356	Penrose Production Co. (Operator), et al., 1813 Fair Building, Fort Worth, Tex., 76102.	4	3	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	2,712	11–3–64	[3] 12–4–64	5–4–65	9.5	[4] [6] 11.5	
RI65–357	Placid Oil Co., 600 Beck Building, Shreveport, La. Attn: Mr. Paul W. Hicks.	20	8	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	7,538	11–6–64	[3] 1–1–65	6–1–65	[9] 22.25	[6] [7] [8] 22.75	RI62–211.
	do	7	12	do	31,739	11–6–64	[3] 1–1–65	6–1–65	[9] 22.25	[6] [7] [8] 22.75	RI62–257.
RI65–358	Hurt Oil & Gas Corp., et al., San Jacinto Building, Houston, Tex.	1	5	United Gas Pipe Line Co. (Cowards Gully Field, Beauregard and Calcasieu Parishes, La.) (South Louisiana).	120	11–6–64	[3] 12–7–64	5–7–65	[8] [9] 18.75	[6] [7] [8] 19.75	
RI65–359	Mesa Development Co. (Operator), et al., Post Office Box 1060, McAllen, Tex., 78502. Attn: Mr. C. S. Roberts.	1	1	South Texas Natural Gas Gathering Co. (Eva Mae Field, Hidalgo County, Tex.) (R.R. District No. 4).	6,950	11–6–64	[3] 12–7–64	5–7–65	[9] [10] 14.0	[4] [6] [10] 15.0	
RI65–360	North Central Oil Corp., 1300 Main Street, Suite 1000, Houston, Tex. 77002.	10	2	Valley Gas Transmission, Inc. (Bob Cooper Field, Brooks County, Tex.) (R.R. District No. 4).	2,648	11–9–64	[11] 12–10–64	5–10–65	[9] [10] 14.0	[4] [6] [10] 15.0	
RI65–361	Shell Oil Co., 50 West 50th Street, New York 20, N.Y. Attn: Mr. F. C. Sweat.	308	4	United Fuel Gas Co. (Orange Grove Field, Terrebonne Parish, La.) (South Louisiana).	14,472	11–12–64	[3] 12–13–64	5–13–65	[9] [10] [12] 17.5	[7] [10] [12] [13] 21.1	

See footnotes at end of table.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-362	W. H. Hudson (Operator), et al., 1126 Mercantile Securities Building, Dallas, Tex., 75201. Attn: J. B. Avant, agent.	3	6	Tennessee Gas Transmission Co. (Wilcox Field, Zapata County, Tex.) (R.R. District No. 4).	$1,458	11- 4-64	[2] 12- 5-64	5- 5-65	[10 15] 16.0	[4 10 14] 17.5	
RI65-363	William V. Conover, 702 Bank of Commerce Building, Houston, Tex., 77002.	1	5	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	731	11- 6-64	[2] 1- 1-65	6- 1-65	[5] 22.25	[6 7 8] 22.75	RI63-68.
RI65-364	Amerada Petroleum Corp., Post Office Box 2040, Tulsa 2, Okla. Attn: Mr. W. H. Bourne.	6	27	Texas Eastern Transmission Corp. (Dial and Riverdale Fields, Goliad County, Tex.) (R.R. District No. 2).	9,115	11- 4-64	[11] 12- 5-64	5- 5-65	[17 18] 14.1	[4 16 17] 14.3733	
	do	48	5	Transcontinental Gas Pipe Line Corp. (Leleux Field, Acadia, and Vermilion Parishes, La.) (South Louisiana).	73,333	11- 4-64	[11] 12- 5-64	5- 5-65	[10 13 20] 17.5	[7 10 13 15] 19.5	
	do	60	3	Transcontinental Gas Pipe Line Corp. (Tilden Field, McMullen County, Tex.) (R.R. District No. 1).	2,644	11- 4-64	[11] 12- 5-64	5- 5-65	[20 20] 14.19	[20 10] 15.20	
RI65-365	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex.	137	4	Michigan-Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	6,875	11-12-64	[2] 12-15-64	5-15-65	[21] 18.0	[4 9 21] 20.5	
RI65-366	Lario Oil & Gas Co. (Operator), et al., 301 South Market Street, Wichita, Kans., 67202.	8	2	Cities Service Gas Co. (NE Rhodes Field, Barber County, Kans.)	1,390	11-16-64	[2] 12-23-64	5-23-65	13.0	[4 23] 14.0	RI61-549.
RI65-367	American Petrofina, Inc., Post Office Box 2159, Dallas 21, Tex.	31	[24] 7	Cities Service Gas Co. (Blunk Field, Barber County, Kans.)	----------	11-16-64	[2] 12-23-64	5-23-65			
		31	8		$2,012	11-16-64	[2] 12-23-64	5-23-65	[20] 13.0	[4 20 23] 14.0	RI62-399.
RI65-368	Edwin G. Bradley, et al., 826 Union Center Bldg., Wichita, Kans., 67202.	5	[24] 2	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.)	----------	11- 9-64	[2] 12-23-64	5-23-65			
		5			1,050	11- 9-64	[2] 12-23-64	5-23-65	[20] 13.0	[4 10 23] 14.0	
RI65-369	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	13	11	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area).	163	11-12-64	[2] 1-23-65	6-23-65	[20] 17.6	[4 9 20] 17.8	RI64-419.
	do	17	11	Natural Gas Pipeline Co. of America (Texas County, Okla.) (Panhandle Area).	497	11-12-64	[2] 1-23-65	6-23-65	[20] 17.6	[4 9 20] 17.8	RI64-419.
	do	25	7	do	79	11-12-64	[2] 1-23-65	6-23-65	[20] 17.6	[4 9 20] 17.8	RI64-419.
	do	28	1	Michigan-Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	3,406	11-12-64	[11] 12-13-64	5-13-65	[24] 17.0	[4 9 24] 19.5	

[2] The stated effective date is the effective date requested by Respondent.
[3] The proposed rate increase covers the remaining portion of a periodic increase due on May 1, 1964.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Periodic rate increase.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1.75 cents per Mcf tax reimbursement to seller by buyer.
[9] Initial rate.
[10] Rate is subject to a downward Btu adjustment.
[11] The stated effective date is the first day after expiration of the required statutory notice.
[12] Nine-step periodic escalation.
[13] Includes 1.5 cents per Mcf tax reimbursement to seller by buyer.
[14] Increase from rate set by order granting permanent certificate (Opinion No. 422) to contractually due periodic rate.
[15] Rate set by order accompanying Opinion No. 422, issued Mar. 23, 1964, granting permanent certificate.
[16] Increase from "fractured" rate to contractually due periodic rate.
[17] Rate exclusive of a 0.5 cent per Mcf cost to buyer for gathering and dehydration.
[18] "Fractured" rate presently in effect subject to refund in Docket No. RI64-23.
[19] Increase from settlement rate to contractually due periodic rate.
[20] Rate is result of companywide settlement offer approved by Commission order issued Feb. 1, 1963, in Docket Nos. G-9385, et al.
[21] Includes 1.0 cent per Mcf upward Btu adjustment.
[22] Renegotiated rate increase.
[23] Letter Agreement, provides for increased rate.
[24] Subject to an upward Btu adjustment.

Marathon Oil Company requests an effective date of November 11, 1964; Mesa Development Company (Operator), et al., request an effective date of November 9, 1964; North Central Oil Corporation requests an effective date of December 1, 1964, and Amerada Petroleum Corporation (Amerada) requests an effective date of November 1, 1964, for its rate filings. Edwin L. Cox requests an effective date of December 9, 1964, for Supplement No. 1 to his FPC Gas Rate Schedule No. 28. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Amerada's proposed rate increases are permitted under its companywide settlement proposal approved by the Commission's order issued February 1, 1963, in Docket Nos. G-9385, et al., which imposed a moratorium on filing for increased rates under the subject rate schedules exceeding the applicable area increased ceiling until November 1, 1964. The proposed rate increase contained in Supplement No. 27 to Amerada's FPC Gas Rate Schedule No. 6, from 14.1 cents to 14.3733 cents per Mcf, is equal to 14.6 cents and 14.8733 cents per Mcf, respectively, when a 0.5 cent per Mcf standard differential maintained by the buyer, Texas Eastern Transmission Corporation, for gathering and dehydration is taken into consideration and is suspended as herein ordered. Although the prior rate increase to 14.1 cents per Mcf was equal to the applicable area ceiling when the 0.5 cent cost to the buyer was added, it was suspended by the Commission and is presently being collected subject to refund in Docket No. RI64-23, since Amerada's filing was not accompanied by a waiver of the right to file for the remaining increment of the periodic escalation until February 5, 1968, the due date of the next escalation.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-12712; Filed, Dec. 11, 1964; 8:45 a.m.]

[Docket No. RP65-24]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Proposed Change in Rates and Charges

DECEMBER 7, 1964.

Take notice that on December 1, 1964, Natural Gas Pipeline Company of America (Natural) tendered for filing a proposed change in its FPC Gas Tariff, Sec-

ond Revised Volume No. 1 to become effective on January 1, 1965. The proposed change reduces the rates under Natural's Rate Schedules CD–1, CD–2, PL–1, G–1, and G–2 to reflect the reduction in Federal Income Tax which will become effective on January 1, 1965.

Natural states that the proposed change in rates will reduce its revenues by approximately $1,435,000 annually. The proposed change would be effectuated by reducing the demand component of Natural's rates.

Copies of the proposed rate changes have been served by Natural upon all customers and State Commissions. Comments may be filed with the Federal Power Commission on or before December 21, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12808; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. E–7195]

SIERRA PACIFIC POWER CO.

Notice of Application

DECEMBER 7, 1964.

Take notice that on December 1, 1964, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Sierra Pacific Power Company (Applicant), a corporation organized under the laws of the State of Maine and authorized to do business in the States of California and Nevada with its principal business office in Reno, Nevada, seeking an order authorizing the issuance of unsecured promissory notes up to $12,000,000 aggregate face value.

The unsecured promissory notes will be payable to such bank or banks from which Applicant may borrow funds up to but not exceeding $12,000,000 face amount at any one time outstanding for periods not exceeding 12 months from the date of original issue or renewal thereof, as the case may be, issued either originally or upon renewal from time to time, but such notes will have maturity dates not later than December 31, 1965. Said notes will bear interest at a rate per annum not in excess of one quarter of one percent over the prime rate in effect in New York at the time of the borrowing or the renewal or the extension of the loans as the case may be.

The proceeds from the notes will be used, pending permanent financing, to reimburse the Company for construction expenditures and, together with other cash from operations toward the carrying out of the construction program contemplated and now in progress. The Applicant represents that its construction program now in progress and contemplated for 1964 and 1965 will require approximately $26,968,500.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12809; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. CP65–93]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

DECEMBER 7, 1964.

Take notice that on October 6, 1964, Tennessee Gas Transmission Company (Applicant), Tennessee Building, Houston, Texas, filed in Docket No. CP65–93 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to transport up to 10,000 Mcf of natural gas per day from points of interconnection with the seller, Valley Gas Transmission, Inc. (Valley) in Texas and Louisiana, to existing points of delivery to the buyer, Iroquois Gas Corporation (Iroquois) in the State of New York.

The application states that this transportation service will be rendered at the same rates and terms and conditions as the presently authorized transportation service for Iroquois (Rate Schedule T–2).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64–12810; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket No. CP61–123]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 7, 1964.

Take notice that on October 24, 1960, as supplemented and amended on January 4, March 15 and August 31, 1961, Texas Gas Transmission Corporation (Applicant), Owensboro, Kentucky, filed in Docket No. CP61–123 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain new facilities and the operation of certain existing facilities in order to sell and deliver an additional 50,154 Mcf per day to 41 existing customers, all as more fully set forth in the application, as amended and supplemented, on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) Approximately 61.32 miles of 30-inch loop lines in Louisiana, Arkansas, Mississippi, Tennesee and Kentucky;

(2) Approximately 25.95 miles of 26-inch loop line in Kentucky and Louisiana;

(3) Approximately 8.28 miles of 6-inch loop line in Indiana;

(4) Approximately 22.4 miles of 20-inch and approximately 10.3 miles of 16-inch lateral supply pipeline in south Louisiana;

(5) Approximately 17.4 miles of 8-inch lateral supply pipeline in south Louisiana;

(6) One additional 2,000 horsepower compressor engine at the existing Lafayette, Louisiana, Compressor Station;

(7) An additional 2,000 horsepower compressor engine and other facilities to expand the existing West Greenville, Kentucky, Storage Field, and

(8) Five purchase meter stations in south Louisiana and one measuring station in Indiana.

Additionally, Applicant proposes to operate in interstate commerce the following existing facilities:

(1) Approximately 22.33 miles of 4 to 10-inch lateral supply pipelines in south Louisiana, and

(2) Five purchase meter stations in south Louisiana.

Applicant states that the subject proposal is for the purpose of assisting its existing customers to meet their estimated increased natural gas requirements.

The application, as amended and supplemented, shows the total estimated cost of the subject facilities to be $17,274,000, which cost will be financed by the issuance and sale of First Mortgage Pipeline Bonds and Common Stock.

On December 1, 1960, Memphis Light, Gas & Water Division filed herein a petition to intervene and on December 20, 1960, the City of Memphis, Tennessee, filed a notice of intervention in this proceeding.

This matter is one that should be disposed of as promptly as possible under

the applicable rule and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no further protest, petition to intervene or notice of intervention is filed within the time required herein. Where a further protest, petition for leave to intervene or notice of intervention is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12811; Filed, Dec. 11, 1964; 8:49 a.m.]

[Docket Nos. CP65-141, CP65-142]

VERMONT GAS SYSTEMS, INC.

Notice of Application

DECEMBER 7, 1964.

Take notice that on November 17, 1964, Vermont Gas Systems, Inc. (Applicant), 1026 Airport Drive, South Burlington, Vt., filed in Docket No. CP65-142 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to import natural gas from Canada into the United States, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 0.19 mile of 10.75-inch O.D. pipeline, which will connect with the facilities of Trans-Canada Pipe Lines, Limited (Trans-Canada), at the International Boundary between the United States and Canada, near Highgate Springs, Vermont. Applicant also proposes to construct and operate a peerless wick type odorizer, two 10-inch block valves, one 10-inch check valve and one 6-inch bypass valve with approximately 25 feet of 6-inch pipe, to be located in the State of Vermont near the interconnection.

The application states that the facilities will be used to receive, import and purchase from Trans-Canada an estimated 8,500 Mcf of natural gas in the third year of the proposed operation.

Applicant proposes to transport and distribute such natural gas at retail to communities and industries in Swanton, St. Albans, Burlington and other communities in Vermont.

Concurrently, Applicant filed in Docket No. CP65-141 an application for a Presidential Permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance and connection, at the International Boundary, of natural gas pipeline facilities to be used for the importation of natural gas from Canada into the United States.

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1964.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 64-12812; Filed, Dec. 11, 1964; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

WORTHEN BANK & TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Worthen Bank & Trust Company for approval of merger with Bank of Arkansas.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Worthen Bank & Trust Company, Little Rock, Arkansas, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Arkansas, Little Rock, Arkansas, under the charter and title of Worthen Bank & Trust Company. As an incident to the merger, the two offices of Bank of Arkansas would become branches of Worthen Bank & Trust Company. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C., this 7th day of December 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64-12807; Filed, Dec. 11, 1964; 8:49 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of St. Lous.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, Shepardson, and Daane. Absent and not voting: Governors Robertson and Mitchell.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

IMPORTS OF COTTON TEXTILES PRODUCED OR MANUFACTURED IN ITALY

Entry and Withdrawal From Warehouse

DECEMBER 8, 1964.

The purpose of this notice is to announce certain requirements governing entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 7 produced or manufactured in Italy.

Under the bilateral cotton textile agreement with Italy effected by exchange of letters on July 6, 1962, as amended by an exchange of notes dated July 29, 1964, Italy has undertaken to limit its exports to the United States of cotton velveteen in Category 7 to a designated annual level. In an exchange of letters dated August 13, 1964, and September 11, 1964, the Government of the United States and the Government of Italy have arrived at an understanding to preclude circumvention of the licensing system for exports of Italian cotton velveteen to the United States.

Effective thirty days after publication of this notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles in Category 7 produced or manufactured in Italy for which the Italian Cotton Association, a trade association acting as the agent of the Government of Italy, has not issued an appropriate export Visa fully described below, will be prohibited.

Such Visa is to appear on the original copy of Special Bureau of Customs Invoice Form 5515 and to consist of a stamped certification from the Italian Cotton Association signed by hand in ink by the Secretary General or the Secretary of this Association and of a dry seal, circular in form impressed over such signature.

A facsimile of the stamped certification with the seal impression and the signature of each of the two authorized officials, appears below:

ASSOCIAZIONE COTONIERA ITALIANA
(Italian Cotton Association)
MILANO Via Borgonuovo, 11

It is hereby certified that this shipment of _____ square yards of cotton velveteen fabrics by _____ to be entered the U.S.A., is within the limit of the voluntary quota agreement between the U.S.A. and Italy

Giulio Cassel
Secretary General

ASSOCIAZIONE COTONIERA ITALIANA
(Italian Cotton Association)
MILANO Via Borgonuovo, 11

It is hereby certified that this shipment of _____ square yards of cotton velveteen fabrics by _____ to be entered the U.S.A., is within the limit of the voluntary quota agreement between the U.S.A. and Italy

Alfredo Cagliani
Secretary

Any discrepancy between the actual quantity presented and the quantity specified on the original copy of the invoice will be settled in the following manner: Whenever the actual quantity exceed the quantity specified, only the quantity specified will be admissible; whenever the actual quantity is smaller than the quantity specified, the actual quantity will be admissible but a new invoice and seal will be required for the entry of the balance of the quantity specified, except where it has been erroneously off loaded at another port in the United States.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

Interested parties are advised to take all necessary steps to assure that cotton textiles in Category 7, produced or manufactured in Italy which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of December 8, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting, effective January 11, 1965, the entry or withdrawal for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Italy which do not meet the above stated Visa requirements.

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE
PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., DECEMBER 8, 1964.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the bilateral cotton textile agreement between the United States and Italy of July 6, 1962, as amended, the understanding reached in an exchange of letters dated August 13, 1964 and September 11, 1964, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 11, 1965, and until further notice, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 7 produced or manufactured in Italy, for which the Italian Cotton Association, a trade association acting as the agent of the Government of Italy, has not issued an appropriate export Visa fully described below.

Such Visa is to appear on the original copy of Special Customs Invoice Form 5515 and will consist of a stamped certification from the Italian Cotton Association signed by hand in ink by the Secretary General or the Secretary of this Association and of a dry seal, circular in form impressed over such signature.

A facsimile of the stamped certification with the seal impression and the signature of each of the two authorized officials is enclosed for your information.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Italy and with respect to imports of cotton textile products from Italy have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

Enclosure.

[F.R. Doc. 64-12786; Filed, Dec. 11, 1964; 8:46 a.m.]

IMPORTS OF COTTON TEXTILES PRODUCED OR MANUFACTURED IN JAPAN

Entry and Withdrawal From Warehouse

DECEMBER 8, 1964.

The purpose of this notice is to announce certain requirements governing entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 7 produced or manufactured in Japan.

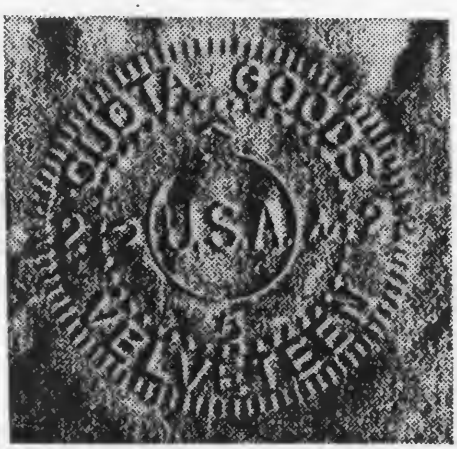
Under the bilateral cotton textile agreement with Japan effected by exchange of letters on August 27, 1963 (TIAS 5408), Japan has undertaken to limit its exports of cotton textiles to the United States to certain designated annual levels. In an exchange of letters dated November 13, 1964, the Government of the United States and the Government of Japan have arrived at an understanding to preclude circumvention of the licensing system for exports of Japanese cotton velveteen in Category 7 to the United States.

Effective thirty days after publication of this notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles in Category 7 produced or manufactured in Japan for which the Japan Cotton Textile Exporters Association, a trade association authorized by the Government of Japan, has not issued an appropriate export Visa fully described below, will be prohibited.

Such Visa is to consist of a dry seal circular in form impressed on the original copy of Special Bureau of Customs Invoice Form 5515.

Facsimiles of two seals appear below. The seal appearing under the heading: "Seal for 1964," will be required for all shipments of cotton velveteen in Category 7 exported from Japan on or prior to December 31, 1964, and the seal appearing under the heading "Seal for 1965," will be required for goods in the same category when exported from Japan on or after January 1, 1965.

SEAL FOR 1964



SEAL FOR 1965

Any discrepancy between the actual quantity presented and the quantity specified on the original copy of the invoice will be settled in the following manner: Whenever the actual quantity exceeds the quantity specified, only the quantity specified will be admissible; whenever the actual quantity is smaller than the quantity specified, the actual quantity will be admissible, but a new invoice and seal will be required for the entry of the balance of the quantity specified, except where it has been erroneously off loaded at another port in the United States.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

Interested parties are advised to take all necessary steps to assure that cotton textiles in Category 7, produced or manufactured in Japan which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the above stated Visa requirements.

There is published below a letter of December 8, 1964, from the Chairman, President's Cabinet Textile Advisory Committee to the Commissioner of Customs, prohibiting effective January 11, 1965, the entry or withdrawal for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Japan which do not meet the above stated Visa requirements.

THOMAS JEFF DAVIS,
Acting Chairman, Interagency Textile Administrative Committee and Acting Deputy to the Secretary of Commerce for Textile Programs.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

Washington 25, D.C., DECEMBER 8, 1964.

COMMISSIONER OF CUSTOMS
DEPARTMENT OF THE TREASURY
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the bilateral cotton textile agreement between the United States and Japan concluded on August 27, 1963, the understanding reached in an exchange of letters dated November 13, 1964, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective January 11, 1965, and until further notice, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 7 produced or manufactured in Japan for which the Japan Cotton Textile Exporters Association, a trade association authorized by the Government of Japan, has not issued an appropriate export Visa, fully described below.

Such Visa is to consist of a dry seal, circular in form, impressed on the original copy of Special Customs Invoice Form 5515. Facsimiles of two seals are enclosed for your information. The seal labelled: "Seal for 1964," will be required for the entry or withdrawal from warehouse for consumption of cotton textiles in Category 7 exported from Japan on or prior to December 31, 1964, and the seal labelled: "Seal for 1965," will be required for goods in the same category when exported from Japan on or after January 1, 1965.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Japan and with respect to imports of cotton textile products from Japan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 64-12787; Filed, Dec. 11, 1964; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1247]

BEVERAGE FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

DECEMBER 4, 1964.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Beverage Fund, Inc. ("applicant"), 2216 North Charles Street, Baltimore 18, Maryland, a Maryland corporation and a management closed-end, non-diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Applicant filed its Notification of Registration on Form N-8A pursuant to section 8(a) of the Act on February 14, 1964. On February 17, 1964, a registration statement was filed with this Commission under the Securities Act of 1933, with respect to the public offering of 1,500,000 shares of applicant's common stock. Applicant has decided not to proceed with the public offering, and on October 6, 1964, the Commission granted applicant's request to withdraw its registration statement under the Securities Act of 1933.

Applicant states that its only outstanding securities consist of 10,000 shares of 5 percent cumulative preferred stock and 11,000 shares of common stock; that all of its outstanding securities are owned by Alleghany Pepsi-Cola Bottling Company ("Bottling Company"); that Bottling Company is primarily engaged directly in the business of manufacturing and distributing carbonated beverages; and, consequently, that applicant is not an investment company pursuant to the Act.

Applicant also states that it plans to be dissolved by early 1965 and, in that connection, to transfer to Bottling Company Applicant's assets which presently consist of $14,482 of cash and 8,000 shares of common stock of DWG Cigar Corporation.

Notice is further given that any interested person may, not later than December 21, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Securities and Exchange Commission, 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 O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 64-12783; Filed, Dec. 11, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA 39441: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 293), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 18th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA 39442: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 294), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 20th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA 39443: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 295), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in middle Atlantic or New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 18th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA 39444: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 296), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 10th revised page 118–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA 39445: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 297), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 16th revised page 209 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA 39446: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 298), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central states, middlewest, and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: 26th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA 39447: *Clay from points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A–2380), for interested rail carriers. Rates on clay, as described in the application, in carloads, from specified points in Wyoming, to specified points in Michigan and Minnesota.

Grounds for relief: Market competition.

Tariff: Supplement 135 to Western Trunk Line Committee, agent, tariff I.C.C. A–4335.

FSA 39448: *Potassium to Klamath Falls, Oreg.* Filed by G. H. Mitchell, agent (No. 12), for interested rail carriers. Rates on potassium (potash), as described in the application, in carloads, from Clavet, Kalium, Potasco and Yarbo, Sask., Canada, to Klamath Falls, Oreg.

Grounds for relief: Market competition.

Tariff: Supplement 21 to G. H. Mitchell, agent, tariff I.C.C. 144.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–12793; Filed, Dec. 11, 1964; 8:47 a.m.]

[Notice 1092]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 9, 1964.

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 67188. By order of December 4, 1964, the Transfer Board approved the transfer to Landstrom Trucking, Inc., Seattle, Wash., of the operating rights in Certificate No. MC 17403, issued September 29, 1950, to Emil Landstrom and Clifford Landstrom, a partnership, doing business as Landstrom Trucking Co., Tacoma, Wash., authorizing the transportation, over regular routes, of: Wool and agricultural commodities, from Yakima, Wash., to Tacoma, Wash., and Portland, Oreg. George E. Kargianis, 609 North Building, Seattle, Wash., 98104, attorney for applicants.

No. MC–FC 67305. By order of December 7, 1964, the Transfer Board approved the transfer to Schilli Transportation, Inc., St. Louis, Mo., of the Permits in Nos. MC 117509 Sub-2, MC 117509 Sub-4, MC 117509 Sub-5, MC 117509 Sub-7, and MC 117509 Sub-10, issued July 13, 1964, October 13, 1960, September 13, 1961, November 19, 1962 and February 24, 1964, respectively, to Ben R. Schilli, doing business as Schilli Transportation, St. Louis, Mo., authorizing the transportation of: Class A and B explosives, from the site of the U.S. Powder Co., near Ordill, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Ohio, and Tennessee, and those specified in Kansas and Missouri; dry ammonium nitrate, blasting materials, and nitro-carbo-nitrate, from the site of the U.S. Powder Co., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Missouri, Ohio, and Tennessee; manufactured dry fertilizers, from the site of the Monsanto Chemical Co., at Ordill, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, and from the site of the Spencer Chemical Co., at Marion, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; empty shipper-owned vehicles, from points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, to Marion, Ill., and from the above-named points except those in Michigan, to Ordill, Ill.; manufactured dry fertilizers, from Cairo, and Mounds, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; ammonium nitrate, in bulk and in bags, from Ordill, Ill., and points within 5 miles thereof, to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C., attorney for applicants.

No. MC–FC 67346. By order of December 4, 1964, the Transfer Board approved the transfer to American Indianhead Express, Inc., Bronx, N.Y., of the operating rights in Certificate No. MC 35388, issued April 23, 1957, to Stokes Durant, doing business as Durant & Sons, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of household goods, as defined by the Commission, between New York, N.Y., and points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, in radial movements. Arthur J. Piken, 160 Jamaica Avenue, Jamaica 32, N.Y., attorney for applicants.

No. MC–FC 67360. By order of December 4, 1964, the Transfer Board approved the transfer to I. Kendall Gibbs and Adele R. Gibbs, Dover, Delaware, of the operating rights in Certificates Nos.

MC 94180 Sub-1, MC 94180 Sub-7 and MC 94180 Sub-9, issued May 15, 1952, December 27, 1960, and January 17, 1964, respectively, to Mathews Charter Service, Inc., Cambridge, Md., authorizing the transportation of: Passengers and their baggage, between Salisbury, and Waterview, Md., and Salisbury, Md., and a specified highway junction in Maryland, over a regular route, and passengers and their baggage, in charter operations, beginning and ending at Cambridge, Md., and points within 25 miles, and points in Caroline County, Md., and extending to points in Delaware, New Jersey, New York, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Ernest V. Keith, City Plaza and State Street, Dover, Del., attorney for applicants.

No. MC–FC 67374. By order of December 4, 1964, the Transfer Board approved the transfer to Roger Dunwiddie, doing business as Dunwiddie Trucking, Juda, Wis., of Certificates Nos. MC 94814 and MC 94814 Sub-3, issued July 20, 1956 and May 8, 1957, in the name of Robert O. Mohns, doing business as Robert O. Mohns Trucking, Juda, Wis., authorizing the transportation over irregular routes, of livestock, between points in Green County, Wis., on the one hand, and, on the other, Chicago, Ill.; and between points in Stephenson County, Ill., on the one hand, and, on the other, Cudahy, Wis.; household goods, between points in Green County, Wis., on the one hand, and, on the other, points in Illinois within 45 miles of Juda, Wis.; fertilizer, from Streator, Ill., to points in Rock, Green, Lafayette, Dane, Jefferson, Dodge, Columbia, Walworth, Sauk, Iowa, Grant, and Crawford Counties, Wis.; and from Hartsdale, Ind., to points in Columbia, Crawford, Dane, Dodge, Grant, Green, Jefferson, Iowa, Lafayette, and Sauk Counties, Wis.; damaged or deteriorated shipments of fertilizer, from the above named Counties to Streator, Ill., and Hartsdale, Ind.; and tankage, meat scraps, and bone meal, from Dubuque, Iowa, to points in Dane, Green, Jefferson, Lafayette, Iowa, Rock, and Walworth Counties, Wis. John L. Bruemner, 121 West Doty Street, Madison, Wis., 53703, attorney for applicants.

No. MC–FC 67381. By order of December 4, 1964, the Transfer Board approved the transfer to Raynond B. Long, Inc., Tylersport, Pa., of the operating rights in Certificates Nos. MC 103721 Sub-2 and MC 103721 Sub-10, issued September 5, 1958, and June 6, 1962, respectively, to Orville Sickels Trucking, Inc., Palmerton, Pa., authorizing the transportation, over irregular routes of: Coal, from specified points in Pennsylvania to designated points in New York and New Jersey. Morris J. Winokur, 1920 2 Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC 67384. By order of December 4, 1964, the Transfer Board approved the transfer to Melvin Bates and Norris Bates, a partnership, doing business as Bates and Bates, Philadelphia, Pa., of the operating rights in Certificate No. MC 35704, issued June 18, 1941, to Israel Lertzman, Philadelphia, Pa., authorizing the transportation, over irregular routes of: Household goods, and shoes and dry goods, between specified points in Pennsylvania, Delaware, New York, and New Jersey, in radial movements. John H. Derby, 2122 Cross Road, Glenside, Pa., 19038, practitioner for applicants.

No. MC–FC 67385. By order of December 4, 1964, the Transfer Board approved the transfer to H. P. Wesley, Inc., Phillipsburg, N.J., of the operating rights in Certificates Nos. MC 65993 and MC 65993 Sub-4, both issued March 25, 1958, to H. P. Wesley, Phillipsburg, N.J., authorizing the transportation, over irregular routes of: Household goods, new furniture, and various commodities of a general commodity nature, between named points and specified portions of Pennsylvania and New Jersey. Robert E. Frederick, 120 South Main Street, Phillipsburg, N.J., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–12794; Filed, Dec. 11, 1964; 8:48 a.m.]

[Notice 8]

FINANCE APPLICATIONS

DECEMBER 10, 1964.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23412—By application filed December 10, 1964, Bi-State Development Agency of the Missouri-Illinois Metropolitan District, 818 Olive St., St. Louis, Mo., 63101, seeks authority to issue not exceeding $1,100,000 in par value of Series A–4¼ percent Airport Revenue Bonds and not exceeding $600,000 in par value of Series B–5 percent Revenue Bonds. Applicant's attorney: Thomas J. Guilfoil, Esq., Guilfoil, Caruthers, Symington, Montrey & Petzall, 818 Olive St., St. Louis, Mo., 63101. Due to the urgency in the matter resulting from the impending expiration of the options covering the land to be acquired, protests must be filed no later than 7 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 64–12828; Filed, Dec. 11, 1964; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.