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Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Air Force Department
Atomic Energy Commission
Census Bureau
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Food and Drug Administration
Immigration and Naturalization Service
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
State Department

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[Revised as of January 1, 1965]

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PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show the exception under Schedule C of the positions of Principal Deputy Director of Defense Research and Engineering and his Private Secretary. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 213.3306 is amended and subparagraph (48) is added to paragraph (a) as set out below.

§ 213.3306 Department of Defense.

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

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the four Deputy Directors of Defense Research and Engineering; the Director, Advanced Research Projects Agency; the Assistant Secretary of Defense (Manpower); the Assistant Secretary of Defense (International Security Affairs); the Assistant Secretary of Defense (Public Affairs); the Assistant Secretary of Defense (Installations and Logistics); the Assistant Secretary of Defense (Administration); the Assistant Secretary of Defense (Comptroller); the Assistant Secretary of Defense (Systems Analysis); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

* * * * *

(48) One Principal Deputy Director of Defense Research and Engineering.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12792; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the Lands Division in the Department of Justice has been redesignated as the Land and Natural Resources Division. Effective on publication in the FEDERAL REGISTER, the headnote of paragraph (h) of § 213.3310 is amended as set out below.

§ 213.3310 Department of Justice.

* * * * *

(h) *Land and Natural Resources Division.* * * *

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12791; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Private Secretary to the Director, Bureau of the Census, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (d) of § 213.3314 is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12793; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Deputy Commissioner on Aging and to show that the position of Director, Office of Aging, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (g) is revoked and a new paragraph (i), subparagraph (1) is added to § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(g) *Welfare Administration.* * * *

(3) [Revoked]

* * * * *

(i) *Administration on Aging.* (1) Deputy Commissioner.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12790; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until January 1, 1966, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on December 1, 1965, when a prior order (30 F.R. 13763) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on December 1, 1965.

Done at Washington, D.C., this 23d day of November 1965.

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

[F.R. Doc. 65-12786; Filed, Nov. 29, 1965; 8:50 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective November 7, 1965 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963, as amended October 2, 1963, January 4, 1964, March 5, 1964, August 18, 1964, September 19, 1964, April 14, 1965, May 8, 1965, July 22, 1965, August 7, 1965, September 22, 1965 (28 F.R. 7718, 10564, 14485, 29 F.R. 2985, 11743, 13099, 30 F.R. 4745, 6429, 9147, 9875, 12023), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Anchorage, Alaska.
Add: El Toro, MCAS, Calif.
Add: San Pedro, Calif.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

THREE HOURS

* * * * *

Add: El Toro, MCAS, Calif. (served from San Pedro, Calif.).
Add: March Field, Calif. (served from San Pedro, Calif.).
Add: March Field, Calif. (served from El Toro, MCAS, Calif.).

* * * * *

FOUR HOURS

* * * * *

Add: Norton AFB, Calif. (served from San Pedro, Calif.).
Add: Norton AFB, Calif. (served from El Toro, MCAS, Calif.).

* * * * *

FIVE HOURS

* * * * *

Delete: March Field, Calif. (served from San Pedro, Calif.).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective November 30, 1965.

Done at Hyattsville, Md., this 23d day of November 1965.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 65-12771; Filed, Nov. 29, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 3]

PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued to implement provisions of the Food and Agriculture Act of 1965 which amended the law governing the Export Wheat Marketing Certificate Regulations. One of the changes in the regulations is in the definition of "export" as a result of an amendment to the law which provides that wheat shipped to a Canadian port for storage in bond, or storage under a similar arrangement, and subsequent export, shall be deemed to have been exported for purposes of the program when it is exported from the Canadian port. Another change in the regulations is in the penalty provisions of § 778.10 (a) and (b) to reflect provisions in the law that the penalties apply to knowing violations. The amendment to the law with regard to wheat shipped to Canada in bond became effective on November 3, 1965, the date of its enactment, and the amendment to the penalty provisions of the Act became effective as of July 1, 1964. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall be effective as provided herein.

1. Section 778.3 *Definitions,* is amended to change paragraphs (b), (c), and (i)(3) to read as follows:

§ 778.3 Definitions.

* * * * *

(b) "Export" or "exportation" means a shipment of wheat from the United States to any destination outside the United States, except that in the case of wheat shipped to Canada in bond "export" or "exportation" means the subsequent shipment of such wheat from the Canadian port to a destination outside the United States and Canada. The wheat shall be deemed to have been exported on the date of the applicable on-board bill of lading, or if export from the United States is by truck or rail, on the date the shipment clears the U.S. Customs. If the wheat is lost, destroyed, or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board-vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: *Provided,* That if the "lost" or "damaged" wheat remains in the United States or Canada, it shall be considered as re-entered wheat.

(c) Shipment "to Canada in bond" means a shipment of wheat from the United States to a Canadian port (not on a through bill of lading to a third country) for storage in bond, or storage under a similar arrangement, and subsequent exportation.

* * * * *

(i) * * *

(3) Exports of wheat unsold on which the exporter wishes to earn an export payment.

* * * * *

2. Section 778.5 *Requirement for export certificates* is amended to change the first sentence of paragraph (e) to read as follows:

§ 778.5 Requirement for export certificates.

* * * * *

(e) *Reentry.* If any wheat exported is subsequently re-entered into the United States or in the case of an exportation of wheat which had been shipped to Canada in bond is re-entered into Canada, the exporter of such wheat shall be relieved of the requirement to acquire and surrender certificates as to such wheat. * * *

* * * * *

§ 778.6 [Amended]

3. Section 778.6 *Refunds or credits for export certificates* is amended by deleting from the first sentence the words "from the United States."

4. Section 778.7 *Report of intention to export* is amended to change paragraphs (a)(1)(iii) and (b)(3) to read as follows:

§ 778.7 Report of intention to export.

(a) *Submission of report.* * * *

(1) * * *

(iii) In the case of wheat (other than Durum) exported prior to sale, the report shall consist of the report required

under the applicable provisions of GR-345.

* * * * *

(b) *Transaction identification number.* * * *

(3) In the case of wheat exported prior to sale reported under GR-345, such number shall be the Export Unsold Number.

* * * * *

5. Section 778.8 is amended to read as follows:

§ 778.8 Clearance on exportation or shipment from the United States.

(a) *Wheat exported or shipped from the United States.* As part of the reporting requirements of these regulations, the exporter shall furnish to the Bureau of Customs at the point of export from the United States or shipment to Canada in bond of any wheat, one copy of the on-board vessel bill of lading or if the exportation or shipment is by rail or truck one copy of the bill of lading or manifest showing the quantity exported or shipped. This copy of the bill of lading or manifest (except in the case of wheat shipped to Canada in bond) shall show the transaction identification number which the Director provided the exporter on receipt of the report of intention to export as specified in § 778.7. In the case of wheat samples of 100 pounds or less exported without charge to the recipient, the exporter shall use the code number "EX-100" as the transaction identification number. In the case of wheat shipped to Canada in bond, the exporter shall use the code number "CBS-100" as the transaction identification number. The copy of the bill of lading or manifest containing the transaction identification number will be transmitted by the Bureau of Customs to CCC for comparison with other information concerning the acquisition and surrender of certificates by the exporter covering the wheat referred to in the bill of lading or manifest.

(b) *Exports of wheat shipped to Canada in bond.* A copy of Canadian Government Form B-14, "Customs Canada—Entry For Export Ex-Sufferance Warehouse", obtained from the Canadian Customs Service will be used by CCC for comparison with other information concerning the acquisition and surrender of certificates by the exporter covering the exportation from Canada of wheat which had been shipped to Canada in bond.

6. Section 778.9 is amended to read as follows:

§ 778.9 Reports of wheat shipped to Canada in bond and reports of wheat exported.

(a) *Report of wheat shipped to Canada in bond.* The exporter shall submit to the Kansas City Commodity Office not later than 30 days after each shipment of wheat to Canada in bond, or such later date as may be approved in writing by the Director of the Kansas City Commodity Office for good cause shown by the exporter, a Report of Wheat Exported, Form CCC-518, covering such shipment. The report shall show:

(1) Date of shipment from United States port.

(2) Net bushels shipped.

(3) Port of shipment.

(4) Name of vessel, or other carrier identification.

(5) Name and address of exporter.

(6) Date of report.

(7) Signature of an authorized official of the exporter.

(8) Enter in remarks "Shipment to Canada in bond for exportation at a later date".

(b) *Report of wheat exported.* The exporter shall submit to the Kansas City Commodity Office not later than 15 days after each exportation of wheat, or such later date as may be approved in writing by the Director for good cause shown, a Report of Wheat Exported, Form CCC-518 (except in the case of exports under GR-261, donations abroad, and wheat samples exported without charge to the recipient). If the exporter is entitled at such time to a refund or credit against the cost of certificates, the related Application for Wheat Export Payment, form CCC-357, as provided in GR-345 should accompany the report. The Report of Wheat Exported shall show:

(1) Date of exportation of the wheat.

(2) Net bushels exported.

(3) Port of exportation.

(4) Name of vessel, or other carrier identification.

(5) CCC registration number assigned under GR-345 or other identification number as set forth in § 778.7.

(6) Face value of certificates required to be acquired and surrendered for the wheat exported.

(7) Amount of certificate refund or credit under GR-345 applicable to the transaction and to be applied against the amount payable for certificates.

(8) Serial number(s) and face value of any Form CCC-145 export certificates surrendered to CCC with the Report of Exportation.

(9) Amount of any certificates previously purchased from CCC specifically for the exportation, and the date of payment.

(10) Amount remitted to CCC with the report for purchase of certificates.

(11) Name and address of exporter.

(12) Date of report.

(13) Signature of an authorized official of the exporter.

§ 778.10 [Amended]

7. Section 778.10 *Penalties* is amended by changing paragraphs (a) and (b) to add after the word "who" wherever it appears, the word "knowingly".

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178 and 79 Stat. 1202, 7 U.S.C. 1379 a to j).

Effective date. This amendment shall be effective as to shipments of wheat to Canada in bond on and after November 3, 1965, and as to violations of § 778.10 (a) and (b) on and after July 1, 1964.

Issued at Washington, D.C., on November 23, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12785; Filed, Nov. 29, 1965; 8:49 a.m.]

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

[Lemon Reg. 189, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 910.489 (Lemon Regulation 189, 30 F.R. 14523) are hereby amended to read as follows:

§ 910.489 Lemon Regulation 189.

* * * * *

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

(i) District 1: 37,200 cartons;

(ii) District 2: 111,600 cartons.

* * * * *

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

Dated: November 24, 1965.

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

[F.R. Doc. 65-12787; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER A—GENERAL PROVISIONS

[Order 349-65]

PART 1—DEFINITIONS

PART 3—BOARD OF IMMIGRATION APPEALS

Miscellaneous Amendments

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950 it is hereby ordered as follows:

1. Section 1.1(b) of Title 8 of the Code of Federal Regulations is amended to read as follows:

§ 1.1 Definitions.

* * * * *

(b) The term "act" means the Immigration and Nationality Act, as amended.

* * * * *

2. Section 3.1(b)(5) of that title is amended to read as follows:

§ 3.1 Board of Immigration Appeals.

* * * * *

(b) *Appellate jurisdiction.* * * *

(5) Decisions on petitions filed in accordance with section 204 of the act (except petitions to accord preference classifications under section 203(a)(3) or section 203(a)(6) of the act, or a petition on behalf of a child described in section 101(b)(1)(F) of the act), and decisions on requests for revalidation and decisions revoking the approval of such petitions, in accordance with section 205 of the act, as provided in Parts 204 and 205, respectively, of this chapter.

* * * * *

The amendments made by this order shall become effective on December 1, 1965.

The amendments made by this order are editorial in nature and do not impair any substantive or procedural right of any individual. Therefore, compliance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) as to notice of proposed rule making and as to delayed effective date is unnecessary.

Dated: November 24, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-12784; Filed, Nov. 29, 1965; 8:50 a.m.]

SUBCHAPTER B—IMMIGRATION REGULATIONS

IMPLEMENTATION OF ACT OF OCTOBER 3, 1965

Miscellaneous Amendments

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 4, 1965 (30 F.R. 13956), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out the terms of proposed amendments to Parts 103, 204, 205, 206, 211, 212, 212a, 221, 235, 242, 243, 245, 249, and 299.

Representations which were received concerning the proposed rules of November 4, 1965, have been considered and those proposed rules have been amended in the following respects:

Section 103.1(e) (1), (2), and (4) have been amended to preclude an appeal to the regional commissioner when the denial is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act; the second sentence of § 204.1(c) has been amended to provide for the submission of Department of Labor Form ES-575A and a sentence was added at the end of the paragraph to provide that no appeal shall lie when the petition is denied for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act; the second sentence of § 204.1(d) has been amended by deleting the word "any" and inserting the word "the"; the fourth sentence of § 204.1(d) has been amended by deleting the words "or consular", and a sentence was added at the end of the paragraph to provide that no appeal shall lie when the petition is denied for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act; the word "legal" was inserted in the first sentence of § 204.2(b)(2) and in the second sentence of § 204.2(d) (3) and (5); § 204.2(f) has been revised to provide for the utilization of Department of Labor Form ES-575A; § 204.2(g) has been amended to provide for the utilization of Department of Labor Forms ES-575A and B; the introductory sentence of § 205.1 was amended to point up the automatic revocation if the listed circumstances occur prior to the commencement of the beneficiary's journey to this country; § 205.1(b)(2) was amended by deleting the words "before the beneficiary's journey to the United States commences"; § 205.1(c) was amended by inserting a sentence before the last sentence thereof in line with the amendment of § 103.1(e)(4); § 212.7(b)(2) has been amended for clarification; § 214.2(h)(3) has been amended by adding a sentence between the existing fourth and fifth sentences thereof to provide for the automatic termination of nonimmigrant petitions; § 221.1 has been amended by deleting the words "and shall be in the sum of not less than $500" in the next to the last sentence thereof and by deleting the last sentence thereof; the last sentence of § 235.9(a) has been amended to show that the 2-year period commences on the date of the conditional entry; § 235.9(c) has been added to provide for the termination of conditional entrant status; Part 245 has been amended to distinguish the eligible classes, to provide for the use of Department of Labor Forms ES-575A and B in a nonpreference case, to provide for the processing of section 203(a)(7) proviso adjustment cases according to date of arrival, and to provide for an interview in such cases, which may be waived for children under fourteen years of age; § 299.1 has been amended to add Department of Labor Forms ES-575A and B.

The amendatory regulations as set out below are adopted.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

1. Subparagraphs (1) through (7) of paragraph (e) of § 103.1 *Delegations of authority* are amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* The activities of the Service within their respective regional areas, including the following appellate jurisdiction specified in this chapter:

(1) Decisions on third-preference petitions, as provided in § 204.1(c), except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(2) Decisions on sixth-preference petitions, as provided in § 204.1(d), except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(3) Decisions on orphan petitions, as provided in § 204.1(b);

(4) Decisions on requests for revalidation of certain petitions, as provided in § 205.1(c), except when the denial of the request for revalidation of a petition for third or sixth preference is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(5) Decisions revoking approval of certain petitions, as provided in § 205.3;

(6) Decisions on applications for permission to reapply for admission to the United States after deportation or removal, as provided in § 212.2;

(7) Decisions on applications for waiver of certain grounds of excludability, as provided in § 212.7(a);

* * * * *

§ 103.2 [Amended]

2. The fourth sentence of paragraph (a) *General* of § 103.2 *Applications, petitions, and other documents* is amended to read as follows: "Applications or petitions received in any Service office shall be stamped to show the time and date of their actual receipt and, unless otherwise specified in Part 204 of this chapter or returned because they are improperly executed, shall be regarded as filed when so stamped."

§ 103.7 [Amended]

3. The following item in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is revoked:

For filing application for waiver of grounds of exclusion contained in section 212(a)(14) of the Act ----- $10.00

4. The last item in paragraph (c) *Additional fees* of § 103.7 *Records and fees* is amended to read as follows:

For filing application for waiver of grounds of excludability under section 212 (h) or (i) of the Act (only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections) -------------- $25.00

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

The headnote to Part 204 is amended as set forth above and that part is amended to read as follows:

Sec.
204.1 Petition.
204.2 Documents.
204.3 Disposition of approved petitions.
204.4 Validity of approved petitions.
204.5 Automatic conversion of classification of beneficiary.

AUTHORITY: The provisions of this Part 204 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 201, 203, 204, 212, 245, 66 Stat. 166, 175, 178, 179, 182, 217; 8 U.S.C. 1101, 1151, 1153, 1154, 1182, 1255.

§ 204.1 Petition.

(a) *Relative.* A petition to accord preference classification under section 203(a) of the Act or classification as an immediate relative under section 201(b) of the Act, other than a child as defined in section 101(b)(1)(F) of the Act, shall be filed on a separate Form I–130 for each beneficiary and shall be accompanied by a fee of $10. The petition shall be filed in the office of the Service having jurisdiction over the place where the petitioner is residing in the United States. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The following American consular officers are also authorized to approve any petition on Form I–130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands, and Portuguese island possessions); while such consular officers are authorized to approve such petitions, they shall refer any petition which is not clearly approvable to the appropriate Service office outside the United States for decision. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal to the Board within 15 days after mailing of the notification of the decision in accordance with the provisions of Part 3 of this chapter. Without the approval of a separate petition in his behalf, an alien spouse or a child as defined in section 101(b)(1) (A), (B), (C), (D), or (E) of the Act, may be accorded the same classification as his spouse or parent whom he is accompanying or following to join, if the immediate issuance of a visa or conditional entry is not otherwise available under the provisions of section 203(a) (1) through (8) of the Act.

(b) *Orphan.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the U.S. citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I–600, shall identify the child, and shall be accompanied by a fee of $10. When the petitioner resides outside of the United States, the petition shall be filed with the foreign office of the Service designated to act on the petition which can be ascertained by consulting the nearest American consul. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter. If the petitioner or spouse intends to proceed abroad to locate an orphan for adoption, a request in writing may be submitted to the district director in whose jurisdiction the petitioner resides to initiate preliminary processing prior to filing a petition.

(c) *Member of the professions or an alien of exceptional ability in the sciences or arts.* A petition to classify the status of an alien under section 203(a)(3) of the Act shall be filed on Form I–140 by such alien or by any person on his behalf. A separate Form I–140 executed under oath or affirmation and accompanied by Form ES–575A and a fee of $10 must be submitted for each beneficiary before the petition may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place in the United States where the alien intends to reside. An alien abroad who desires to submit a petition in his own behalf must execute the oath or affirmation on the petition before a Service or consular officer abroad. That officer will furnish the address of the Service office in the United States to which the alien should send the petition. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration or consular officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

(d) *Aliens who will perform skilled or unskilled labor.* A person, firm, or organization desiring and intending to employ within the United States an alien entitled to classification as a preference immigrant under section 203(a)(6) of the Act shall file a petition on Form I–140. A separate form must be submitted for each beneficiary, executed under oath or affirmation, accompanied by a fee of $10, and by the required certification of the Secretary of Labor specified in § 204.2(g) before it may be accepted by the Service and considered properly filed. The petition shall be filed in the office of the Service having jurisdiction over the place where the alien's services are to be performed. The beneficiary and the petitioner may be required, as a matter of discretion, to appear in person before an immigration officer prior to the adjudication of the petition and be interrogated under oath concerning the allegations in the petition. The petitioner shall be notified of the decision and, if the petition is denied, the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. However, no appeal shall lie from a decision denying the petition for lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act.

§ 204.2 Documents.

(a) *General.* When the beneficiary is in the United States, his passport and Form I–94, if one was issued to him, shall be submitted with the petition.

(b) *Evidence of U.S. citizenship*—(1) *Birth in the United States.* A petition filed under § 204.1 (a) or (b) by a U.S. citizens whose citizenship is based on birth in the United States must be accompanied by his birth certificate; or, if his birth certificate is unobtainable, a copy of his baptismal certificate under seal of the church, showing his place of birth and a date of baptism occurring within 2 months after birth; or if his birth or baptismal certificate cannot be obtained, affidavits of two U.S. citizens who have personal knowledge of his birth in the United States. A native-born citizen of the United States who files a petition while physically outside the United States may establish his birth by presenting his valid unexpired U.S. passport containing the date and place of his birth in the United States. A statement executed by a consular officer, certifying the petitioner to be a U.S. citizen and the bearer of a valid U.S. passport showing him to be a native-born citizen, may be accepted in lieu of the passport. When a native-born member of the armed forces of the United States serving outside the United States submits a petition without documentary proof of his birth in the United States, a statement from the appropriate authority of the armed forces to the effect that the personnel records of the armed forces show the petitioner was born in the United States on a certain date may be accepted as proof of his birth in the United States if the approving officer finds that to require documentary proof of the petitioner's birth in the United States would cause the petitioner unusual delay or hardship.

(2) *Birth outside the United States.* A petition filed under § 204.1 (a) or (b)

by a United States citizen born abroad who became a citizen through the naturalization or citizenship of a parent or husband, and who has not been issued a certificate of citizenship in his or her own name, must be accompanied by evidence of the citizenship and marriage of such parent or husband, as well as the legal termination of any prior marriages. In addition, if the petitioner claims citizenship through a parent, he must submit his birth certificate and a separate statement showing the date, port, and means of all his arrivals and departures into and out of the United States. If the petitioner is a naturalized citizen of the United States whose naturalization occurred within 90 days immediately preceding the filing of the petition, or if it occurred prior to September 27, 1906, the naturalization certificate must accompany the petition.

(c) *Evidence of lawful admission for permanent residence.* The status of a petitioner who claims that he is a lawful permanent resident alien of the United States will be verified from official records of the Service. In the absence of such a record, the petitioner shall be required to establish that he is a lawful permanent resident alien by the submission of evidence such as his passport bearing a Service endorsement reflecting a lawful admission for permanent residence, his Form I-151 alien registration receipt card, or his immigrant identification card.

(d) *Evidence of family relationship between petitioner and beneficiary*—(1) *General.* A petition filed under § 204.1 (a) must be accompanied by evidence of family relationship.

(2) *Petition for a spouse.* If a petition is submitted on behalf of a wife or husband, it must be accompanied by a certificate of marriage to the beneficiary and proof of the legal termination of all previous marriages of both wife and husband.

(3) *Petition for child.* If a petition is submitted by a mother on behalf of a child, regardless of the child's age, the birth certificate of the child showing the name of the mother must accompany the petition. If a petition is submitted by a father or stepparent on behalf of a child, regardless of age, a certificate of marriage of the parents, proof of legal termination of their prior marriages, and the birth certificate of the child must accompany the petition.

(4) *Petition for a brother or sister.* If a petition is submitted on behalf of a brother or sister, the birth certificate of the petitioner and the birth certificate of the beneficiary, showing a common mother, must accompany the petition. If the petition is on behalf of a brother or sister having a common father and different mothers, the marriage certificate of the petitioner's parents, and the beneficiary's parents, and proof of the legal termination of the parents' prior marriages, if any, must accompany the petition.

(5) *Petition in behalf of a parent.* If a petition is submitted in behalf of a mother, the petitioner's birth certificate showing the name of the mother must accompany the petition. If a petition is submitted on behalf of a father or stepparent, the petitioner's birth certificate and the marriage certificate of his parent and stepparent must accompany the petition, as well as proof of the legal termination of their prior marriages, if any.

(6) *Married women.* If either the petitioner or the beneficiary is a married woman, her marriage certificate must accompany the petition. However, when the relationship between the petitioner and beneficiary is that of a mother and child, regardless of the child's age, the mother's marriage certificate need not be submitted if the mother's present married name appears on the birth certificate of the child.

(7) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition.

(e) *Evidence required to accompany petition for orphan*—(1) *General.* A petition filed in behalf of an orphan under § 204.1(b) must be accompanied by evidence of the U.S. citizenship of the petitioning husband or wife as provided in § 204.2(b); a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks and accountants, financial statements, copies of income tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption if the orphan has only one parent; and fingerprint charts of the petitioning husband and spouse on Form FD-258.

(2) *Preadoption requirements.* If the orphan is to be adopted in the United States, the petitioner must submit evidence of compliance with the preadoption requirements, if any, of the state of the orphan's proposed residence, except any such requirements that cannot be complied with prior to the child's arrival in the United States.

(3) *Beneficiary adopted abroad without having been seen and observed.* An orphan who is adopted abroad without having been personally seen and observed by the petitioning husband and wife prior to or during the adoption proceedings shall be processed as a child coming to the United States for adoption. Before a petition in behalf of such a child is approved, the petitioner and spouse must submit a statement indicating their willingness and intent to readopt the child in the United States. Unless the Service has already ascertained from the appropriate State authority that readoption is permissible in that State, the petitioner shall be required to submit evidence in the form of a statement from the court having jurisdiction over adoption, the State department of welfare, or the attorney general of the State, indicating that readoption is permissible. As in the case of a petition for any other orphan coming to the United States for adoption, evidence of compliance with the preadoption requirements, if any, of the State of proposed residence must be submitted.

(f) *Evidence of professional status or of exceptional ability in sciences or arts.* A petition seeking to classify an alien as a member of a profession or as an alien with exceptional ability in the sciences or arts within the meaning of section 203(a)(3) of the Act must be submitted to the Service with Form ES-575A executed in accordance with the instructions attached to that form and accompanied by the evidence of the beneficiary's qualifications specified in those instructions. Unless the profession is included in the list for which the Secretary of Labor has issued a blanket certification under section 212(a)(14) of the Act and the alien is clearly qualified as a member of that profession, or the alien is clearly not within the purview of section 203(a)(3) of the Act, the Service will refer Form ES-575A and supporting documents to the Bureau of Employment Security, Department of Labor. The documents supporting a petition in behalf of a member of the professions or in behalf of an alien with exceptional ability in the arts or sciences, whose eligibility is based in whole or in part on high education, shall include a certified copy of the alien's school record. The record must show the period of attendance, major field of study, and the degrees or diplomas awarded. If the alien has received a license or other official permission to practice his profession, the license or other official permit to practice must also be submitted. If the alien's eligibility is based on exceptional ability in the sciences or the arts, documentary evidence thereof, such as affidavits by the alien's present or former employers or by recognized experts familiar with the alien's work, or published material, must be submitted by the petitioner. Each such affidavit must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien acquired his exceptional ability, and must describe in detail the duties performed by the alien. When any material published by or about the alien is submitted, it must be accompanied by information as to the date, place, and title of the publication. After review of any Form ES-575A and supporting documents referred by the Service the Bureau of Employment Security will notify the Service of its determination with respect to the issuance of a certification under section 212(a)(14) of the Act, and will also advise concerning the beneficiary's qualifications as a member of a profession or as an alien of exceptional ability in the sciences or arts. The current list of professions for which the blanket certification under section 212(a)(14) of the Act has been issued may be obtained from the principal offices of the Service.

(g) *Evidence required to accompany petition for skilled or unskilled labor.* A visa petition to accord an alien classification under section 203(a)(6) of the Act may be filed only if it is accompanied by the certification of the Secretary of Labor issued under section 212(a)(14) of the Act. The petitioner may apply for the certification by submitting to the local State Employment Service Form ES-575A and B properly executed in accordance with the instructions on the form, together with the documentary evidence specified in the instructions. If a certification is issued to the petitioner, it will be endorsed on Form ES-575A. An advisory opinion by the Bureau of Employment Security, Department of Labor, concerning the beneficiary's qualifications will also be endorsed on the form. Upon receipt of the certification on Form ES-575A by the petitioner it shall be attached to and filed with the petition in the office of the Service having jurisdiction over the intended place of employment. Form ES-575B, and the documentary evidence of the beneficiary's qualifications for the position in which he is to be employed, shall also be attached to the petition. If the alien's eligibility is based in whole or in part on high education or attendance at a technical or vocational school, the evidence must include a certified copy of his school record. The record must show the period of attendance, the major field of study, and the degrees or diplomas awarded. If the alien's eligibility is based on technical training, specialized experience, or exceptional ability, documentary evidence thereof, such as affidavits or published material, must be submitted by the petitioner. Affidavits must be made by the alien's present and former employers or by recognized experts familiar with the alien's work. Each such affidavit must set forth the name and address of the affiant and state how he acquired his knowledge of the alien's qualifications, state the place where and the dates during which the alien gained his experience, and must describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. When any material published by or about the alien is submitted, it must be accompanied by information as to date, place, and title of publication. A current list of occupations for which the Secretary of Labor has determined a certification under section 212(a)(14) of the Act will not be issued may be obtained from the principal offices of the Service.

§ 204.3 Disposition of approved petitions.

If the beneficiary of an approved petition will apply to an American consulate for a visa, the approved petition shall be forwarded to the consulate designated by the petitioner. When the beneficiary of an approved petition will file an application for adjustment of status under section 245 of the Act, the approved petition will be retained by the Service for consideration in connection with that application.

§ 204.4 Validity of approved petitions.

The approval of a petition to classify an alien as a preference immigrant under section 203(a) (3) or (6) of the Act shall remain valid for a period of 1 year from the date of any individual certification issued by the Secretary of Labor pursuant to section 212(a)(14) of the Act; if a blanket certification has been issued covering the alien's profession or occupation, the approval shall remain valid for a period of 1 year from the date of approval. The approval of a petition to classify an alien as a preference immigrant under section 203(a) (1), (2), (4), or (5) or as an immediate relative under section 201(b) of the Act shall remain valid for a period of 5 years from the date of approval. The validity of any petition under this section may be revoked pursuant to the provisions of Part 205 of this chapter prior to the 1- or 5-year limitations set forth herein.

§ 204.5 Automatic conversion of classification of beneficiary.

(a) *By change in beneficiary's marital status.* (1) A currently valid petition classifying the child of a U.S. citizen as an immediate relative under section 201 (b) of the Act, or classifying the unmarried son or unmarried daughter of a U.S. citizen under section 203(a)(1) of the Act, shall be regarded as approved for preference status under section 203 (a)(4) of the Act as of the date the beneficiary marries.

(2) A currently valid petition classifying the married son or married daughter of a U.S. citizen for preference status under section 203(a)(4) of the Act shall, upon the presentation of satisfactory evidence of the legal termination of the beneficiary's marriage, be regarded as approved for preference status under section 203(a)(1) of the Act or, if the beneficiary is under 21 years of age, for status as an immediate relative under section 201(b) of the Act, as of the date of termination of the marriage.

(b) *By beneficiary's attainment of the age of 21 years.* A currently valid petition classifying the child of a U.S. citizen as an immediate relative under section 201(b) of the Act shall, if the beneficiary is still unmarried, be regarded as approved for preference status under section 203(a)(1) of the Act as of the beneficiary's attainment of his 21st birthday.

(c) *By petitioner's naturalization.* Effective upon the date of naturalization of a petitioner who had been lawfully admitted for permanent residence, a currently valid petition according preference status under section 203(a)(2) of the Act to the petitioner's spouse, unmarried son, or unmarried daughter, shall be regarded as approved to accord status as an immediate relative under section 201(b) of the Act to the spouse, and unmarried son or unmarried daughter who is under 21 years of age, and to accord preference status under section 203(a)(1) of the Act to the unmarried son or unmarried daughter who is 21 years of age or older.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

The headnote to Part 205 is amended as set forth above and that part is amended to read as follows:

Sec.
205.1 Automatic revocation.
205.2 Revocation on notice.
205.3 Procedure.

AUTHORITY: The provisions of this Part 205 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 201, 203, 204, 205, 212, 66 Stat. 166, 175, 178, 179, 180, 182; 8 U.S.C. 1101, 1151, 1153, 1154, 1155, 1182.

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval if any of the following circumstances occur before the beneficiary's journey to the United States commences:

(a) *Relative petitions.* (1) Upon formal notice of withdrawal filed by the petitioner with the officer who approved the petition.

(2) Upon the death of the petitioner or beneficiary.

(3) Upon the legal termination of the relationship of husband and wife when a petition has accorded status as the spouse of a citizen or lawful resident alien, respectively, under section 201(b), or section 203(a)(2) of the Act.

(4) Upon a beneficiary accorded immediate relative status as the child of a U.S. citizen reaching the age of 21, except that such petition is valid to accord a status under section 203(a)(1) of the Act if the beneficiary remains unmarried, and a status under section 203 (a)(4) of the Act in the event of marriage, for a period of 5 years from the date of initial approval or last revalidation.

(5) Upon the marriage of a beneficiary accorded a status as a son or daughter of a U.S. citizen under section 203(a)(1) of the Act, except that such petition is valid to accord a status under section 203(a)(4) of the Act for a period of 5 years from the date of initial approval or last revalidation.

(6) Upon the marriage of a beneficiary accorded a status as a son or daughter of a lawful resident alien under section 203(a)(2) of the Act.

(7) Upon the expiration of 5 years from the date of initial approval or last revalidation.

(b) *Other petitions.* (1) The beneficiary is an alien seeking classification under section 203(a) (3) or (6) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(2) The petitioner dies, goes out of business, or files a written withdrawal of the petition.

(3) The certification required by section 212(a)(14) of the Act is cancelled, withdrawn, or expires.

(c) *Revalidation.* Any petition approved under section 204 of the Act, which was automatically revoked, may be revalidated by a district director retroactively as of the date of the initial

approval, if the requirements of section 204 of the Act currently exist. The following American consular officers are also authorized to revalidate any petition on Form I-130 when the petitioner and the beneficiary are physically present in the area over which the consular officers have jurisdiction: American consular officers assigned to visa-issuing posts in South America (except Venezuela), areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), Australia, New Zealand, and Africa (excluding posts in the United Arab Republic, the Mediterranean islands and Portuguese island possessions); while such consular officers are authorized to revalidate such petitions, they shall refer any petition which is not clearly subject to revalidation to the appropriate Service office outside the United States for decision. A petitioner may request revalidation of a petition approved under section 204 of the Act. Before the petition may be revalidated, the beneficiary's current eligibility must be established. The petitioner shall be notified of the decision on his request for revalidation and, if revalidation is not granted, of the reasons therefor, and shall have 15 days after the mailing of the notification of decision within which to appeal, as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203 (a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act. However no appeal shall lie from a decision denying a request for revalidation of a petition filed for a preference under paragraph (3) or (6) of section 203(a) of the Act if the denial is based on the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act. When a visa petition has been approved, and subsequently a new petition by the same petitioner is approved in behalf of the same beneficiary, the latter approval shall be regarded as a revalidation of the original petition.

(d) *Notice.* When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

§ 205.2 Revocation on notice.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter may be revoked on any ground other than those specified in § 205.1 by any officer authorized to approve such petition when the propriety of such revocation is brought to the attention of the Service, including requests for revocation or reconsideration made by consular officers.

§ 205.3 Procedure.

Revocation of approval of a petition under § 205.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 15 days after the mailing of the notification of decision within which to appeal as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 206—REVOCATION OF APPROVAL OF PETITIONS

Part 206 is revoked.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

§ 211.2 [Amended]

Section 211.2 *Passports* is amended by deleting the words "first-preference quota immigrant" and inserting in lieu thereof the words "third-preference immigrant."

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

§ 212.2 [Amended]

1. The second sentence of § 212.2 *Consent to reapply for admission after deportation, removal, or departure at Government expense* is amended by deleting the words "section 212 (g) or (h)" and inserting in lieu thereof the words "section 212 (g), (h), or (i)" wherever they appear.

§ 212.5 [Amended]

2. Paragraph (b) *Refugee-escapees* of § 212.5 *Parole of aliens into the United States* is revoked.

§ 212.7 [Amended]

3. The headnote to paragraph (a) of § 212.7 *Waiver of certain grounds of excludability* is amended to read *"Section 212 (h) or (i)"* and the first sentence of paragraph (a) is amended by deleting the words "section 212 (g) or (h)" and inserting in lieu thereof the words "section 212 (h) or (i)."

4. Paragraph (b) of § 212.7 *Waiver of certain grounds of excludability* is amended to read as follows:

(b) *Section 212(g) (tuberculosis and certain mental conditions).* An alien who is an applicant for an immigrant visa and who, pursuant to section 212(g) of the Act, is seeking a waiver of his excludability under section 212(a) (1), (3), or (6) of the Act shall file (or if the alien is incompetent to do so, the family member specified in section 212(g) shall file) an application on Form I-601 at the consular office considering the application for a visa. An alien who is applying at a port of entry for admission to the United States, or who is within the United States and who is under any proceeding before the Service in which a waiver pursuant to section 212(g) is required before it may be determined that he is not excludable under section 212(a) (1), (3), or (6) of the Act, may file an application on Form I-601 with the Service office having jurisdiction over the port of entry or place where he is located.

(1) *Section 212(a)(6) (tuberculosis).* If the alien is excludable under section 212(a)(6) of the Act because of tuberculosis, he or his sponsoring family member shall submit with his Form I-601 a statement by a State, territorial, or local health department, or by a recognized hospital or other institution in the United States engaged in the treatment of tuberculosis. The statement shall include the name and address of the facility where the alien will be treated, and shall affirm (i) that arrangements have been made for any treatment and observation required for proper management of the alien's condition, in conformity with local standards of medical practice, and that upon arrival at such facility the alien will be placed in an inpatient or outpatient status as determined by the responsible local physician; (ii) that such facility will submit the following to the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305: An initial report giving a clinical evaluation of the alien, including necessary X-ray films, within 30 days after the alien's arrival at the hospital or other institution (or, if within 30 days after receipt of notice from the U.S. Public Health Service that the alien has arrived in the United States he has not reported to the facility, a notice of his failure to report), and a report of the final disposition of the case; and (iii) that complete financial arrangements for the alien's care have been made by the alien, the sponsoring family member, or other responsible person; or that the eligibility of the alien under the dependents medical care provisions of sections 1071–1085 of title 10 of the United States Code has been established. Whenever the required statement is submitted by a hospital or other institution, it must bear an endorsement by a State, territorial, or local health department affirming its recognition of the facility as being qualified to engage in the treatment of tuberculosis, unless the U.S. Public Health Service shall have determined that the facility is qualified for that purpose.

(2) *Section 212(a) (1) and (3) (certain mental conditions)*. If the alien is excludable under section 212(a) (1) or (3) (because of mental retardation, or because of a past history of mental illness), he or his sponsoring family member shall submit an executed Form I-601 to the consular or Service office with a statement that arrangements have been made for submission to that office of a medical report. The medical report shall contain a complete medical history of the alien, including details of any hospitalization or institutional care or treatment for any physical or mental condition; findings as to the current physical condition of the alien, including reports of chest X-ray examination, of serologic test for syphilis, and other pertinent diagnostic tests; findings as to the current mental condition of the alien, with information as to prognosis and life expectancy; and a report of a psychiatric examination conducted by a psychiatrist and, in case of mental retardation, a report of a psychologist. Upon receipt of the medical report, the consular or Service office shall refer it to the U.S. Public Health Service for review. Upon being notified that the medical report has been reviewed by the U.S. Public Health Service and determined to be acceptable, the alien or the sponsoring family member shall submit as directed by the U.S. Public Health Service a statement from a hospital, institution, school, or other specialized facility, or specialist in the United States acceptable to the U.S. Public Health Service which shall include the name and address of the hospital, institution, school, or other specialized facility, or specialist, and shall affirm that such facility or specialist has agreed to accept the alien for all necessary diagnostic studies, care, training, or schooling for a period of at least 5 years; that complete financial arrangements have been made by the alien, the sponsoring family member, or other responsible person for payment for all care, training, or schooling to be provided to the alien; that upon arrival at the designated facility or specialist's office in the United States, the alien will be placed in an outpatient, inpatient, or other status as determined by the responsible local physician or specialist; that such facility or specialist will provide the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305, with the following: an initial report giving a current evaluation of the mental status of the alien, or a notice of the alien's failure to report to the facility or specialist, within 30 days after the facility or specialist receives notice from the U.S. Public Health Service that the alien has arrived in the United States; prompt notification of the death of the alien, of his departure without approval of the facility or specialist, or of his failure to report to the facility as may be required; and semiannual reports of the alien's mental status for a period of at least 5 years, even if he has been discharged from care, training, or schooling, unless approval has been granted by the U.S. Public Health Service to transfer responsibility for the care and observation of the alien to another facility or specialist.

(3) *Assurances: bonds*. In all cases under this paragraph (b) the alien or sponsoring family member shall also submit an assurance that the alien will comply with any special travel requirements as may be specified by the U.S. Public Health Service and that upon the admission of the alien into the United States, he will proceed directly to the facility or specialist specified for the initial evaluation, and submit to such further examination, treatment, schooling, training, and medical regimen as may be required, whether on an inpatient, outpatient, or other basis, and that before responsibility for the care, observation, training, or schooling of the alien is transferred to another facility or specialist the alien or the sponsoring family member will obtain approval from the U.S. Quarantine Station, Rosebank, Staten Island, N.Y., 10305. The alien, the sponsoring family member, or some other responsible individual shall provide such assurances or bond as may be required to assure that the necessary expenses of the alien will be met and that he will not become a public charge.

5. The fourth sentence of paragraph (c) *Section 212(e)* of § 212.7 *Waiver of certain grounds of excludability* is amended by deleting the words "Part 205" and inserting in lieu thereof the words "Part 204."

PART 212a—ADMISSION OF CERTAIN ALIENS TO PERFORM SKILLED OR UNSKILLED LABOR

Part 212a is revoked.

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The following sentence is inserted between the existing fourth and fifth sentences of subparagraph (3) *Admission, employment, and extension* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status*. "The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States."

PART 221—ADMISSION OF VISITORS OR STUDENTS

Part 221 is added to read as follows:

§ 221.1 Admission under bond.

The district director having jurisdiction over the intended place of residence of an alien may accept a bond on behalf of an alien defined in section 101(a) (15) (B) or (F) of the Act prior to the issuance of a visa to the alien upon receipt of a request directly from a U.S. consular officer or upon presentation by an interested person of a notification from the consular officer requiring such a bond. All bonds given as a condition of admission of an alien under section 221 (g) of the Act shall be executed on Form I-352.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interprets or applies secs. 101, 221, 66 Stat. 166, 191; 8 U.S.C. 1101, 1201)

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

Section 235.9 is added to read as follows:

§ 235.9 Conditional entries.

(a) *Application*. A separate application for conditional entry under section 203(a)(7) of the Act shall be executed and submitted by each applicant on Form I-590 to the officer in charge of the nearest Service office outside the United States. Each applicant under this paragraph shall appear in person before an immigration officer and excepting a child under 14 years of age shall, prior to the adjudication of his application, be interrogated under oath concerning his eligibility for conditional entry into the United States. Conditional entry will not be authorized until a medical examination has been completed and until assurances of employment and housing in the United States for a period of 2 years on Form I-591 and assurances of transportation from the applicant's place of abode to point of final destination in the United States have been provided. The approval of an application by an officer in charge outside the United States authorizes the district director at a port of entry to effect the conditional entry of the applicant upon arrival at such port within 4 months after the date of the approval. Upon arrival, every conditional entrant 14 years old or over shall execute Form I-592. For the purposes of section 203 (g) and (h) of the Act, the 2-year period shall commence on the date of the applicant's conditional entry into the United States.

(b) *Inspection of conditional entrant as to admissibility for permanent residence*. Two years subsequent to conditional entry in the United States, each conditional entrant shall be required to appear before an immigration officer. The conditional entrant, if over 14 years of age, shall be interrogated by an immigration officer under oath and a determination of admissibility shall be made in accordance with Parts 235 and 236 of this chapter. Except as provided in Parts 245 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under section 212 (g), (h), or (i) of the Act, insofar as they relate to the excludability of an alien in the United States.

(c) *Termination of conditional entrant status*. Whenever a district director has reason to believe that a conditional entrant under section 203(a) (7), whose status has not otherwise been terminated or changed, is or has become inadmissible to the United States under any provision of section 212(a) of the Act (except section 212(a) (20)), he shall cause to be served upon the alien, in

accordance with the provisions of § 235.6, Form I-122, Notice to Alien Detained for Hearing by a Special Inquiry Officer. The alien shall be referred for inquiry before a special inquiry officer in accordance with the provisions of sections 235, 236, and 237 of the Act and of this chapter. The special inquiry officer, if he determines that the alien is not inadmissible to the United States or, if inadmissible, that the alien is prima facie eligible for a waiver of the grounds of excludability pursuant to sections 212 (g), (h), or (i) of the Act, shall order the proceedings terminated and shall refer the matter to the district director for further proceedings in accordance with section 203(g) of the Act. Such order shall be without prejudice to reinstitution of proceedings or institution of new proceedings under this section. No appeal shall lie from a decision of a district director denying an application for a waiver under section 212 (g), (h), or (i) of the Act, but such denial shall be without prejudice to the renewal of the application in the course of proceedings before a special inquiry officer. The special inquiry officer, if he determines that the alien is inadmissible to the United States for permanent residence under any provision of the Act except section 212(a)(20) and that the alien is not entitled to the benefits of sections 212 (g), (h), or (i) of the Act, shall order the termination of the alien's conditional entry and shall make such further order as may be proper. From the decision of the special inquiry officer an appeal shall lie in accordance with the provisions of § 236.5 of this chapter.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.17 [Amended]

The sixth sentence of paragraph (c) *Temporary withholding of deportation* of § 242.17 *Ancillary matters, application* is amended to read as follows: "The respondent has the burden of satisfying the special inquiry officer that he would be subject to persecution on account of race, religion, or political opinion as claimed."

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

§ 243.8 [Amended]

The second sentence of § 243.8 *Imposition of sanctions* is amended to read as follows: "The sanctions imposed on residents of the Union of Soviet Socialist Republics, Czechoslovakia, and Hungary pursuant to section 243(g) may be waived in an individual case for the beneficiary of a petition accorded a status under section 201(b) or section 203(a) (1), (2), (4), or (5) of the Act, and may also be waived for the beneficiary of a petition accorded a status under section 203(a) of the Act who resides in Hungary."

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

The headnote to Part 245 is amended as set forth above and that part is amended to read as follows:

Sec.
245.1 Eligibility.
245.2 Application.
245.3 Adjustment of status under section 13 of the Act of September 11, 1957.
245.4 Adjustment of status under the proviso to section 203(a)(7) of the Act.
245.5 Documentary requirements.
245.6 Medical examination.
245.7 Interview.

AUTHORITY: The provisions of this Part 245 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 201, 203, 204, 212, 245, 247; 66 Stat. 166, 175, 178, 179, 182, 217, and 218; 8 U.S.C. 1101, 1151, 1153, 1154, 1182, 1255, and 1257.

§ 245.1 Eligibility.

(a) *General.* An alien who on arrival in the United States was serving in any capacity on board a vessel or aircraft, or was destined to join a vessel or aircraft in the United States to serve in any capacity thereon, or was not admitted or paroled following inspection by an immigration officer is not eligible for the benefits of section 245 of the Act.

(b) *Exchange aliens.* Pursuant to section 212(e) of the Act, an alien who has or has had the status of an exchange alien or of a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for the benefits of section 245 of the Act unless he has complied with the foreign-residence requirements of section 212(e) of the Act or has been granted a waiver thereof.

(c) *Officials and treaty aliens.* An alien who has a nonimmigrant status under paragraph (15)(A), (15)(E), or 15(G) of section 101(a) of the Act, or has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101(a) of the Act is not eligible for the benefits of section 245 of the Act unless he first executes and submits with his application the written waiver required by section 247(b) of the Act and Part 247 of this chapter. A member of the immediate family of an alien having status under section 101(a)(15) (A) or (G) of the Act, and a spouse or child of an alien having status under section 101(a)(15)(E) of the Act may apply for adjustment of status only if such member, spouse, or child executes the written waiver required by section 247(b) of the Act, irrespective of whether the principal alien also applies for adjustment and executes such waiver.

(d) *Immediate relatives under section 201(b) and preference aliens under section 203(a)(1) through 203(a)(6).* An applicant who claims immediate relative status under section 201(b) or preference status under section 203(a)(1) through 203(a)(6) of the Act is not eligible for the benefits of section 245 of the Act unless he is the beneficiary of a valid unexpired visa petition filed in accordance with Part 204 of this chapter and approved to accord him such status.

(e) *Nonpreference aliens.* An applicant who is a nonpreference alien who is seeking adjustment of status for the purpose of engaging in gainful employment in the United States is not eligible for the benefits of section 245 of the Act unless he presents with his application a certification issued by the Secretary of Labor under section 212(a)(14) of the Act, or unless he establishes that he is a qualified member of a profession included in the list of professions for which the Secretary of Labor has issued a blanket certification under that section. An applicant who is a nonpreference alien may have his employer or prospective employer apply for the certification by submitting to the local State Employment Service Form ES-575A and B, properly executed in accordance with the instructions on the form, together with the documentary evidence specified in the instructions. If a certification is issued, it will be endorsed on Form ES-575A. An advisory opinion of the Bureau of Employment Security, Department of Labor, concerning the applicant's qualifications will also be endorsed on the form. Upon receipt of the certification on Form ES-575A by the applicant's employer or prospective employer, the employer or prospective employer shall transmit it to the applicant. The applicant shall attach it to his application and shall file the application in the office of the Service having jurisdiction over the area in which he resides. Form ES-575B and the documentary evidence of the applicant's qualifications to perform the duties of the position reflected therein, and all other documents required by the application for adjustment of status, shall also be attached thereto.

(f) *Exercise of discretion under sections 212 (g), (h), and (i) of the Act.* Except as provided in Parts 235 and 249 of this chapter, an application under this part shall be the sole method of requesting the exercise of discretion under sections 212 (g), (h), and (i) of the Act, insofar as they relate to the excludability of an alien in the United States.

(g) *Availability of immigrant visa.* If the applicant is a preference or nonpreference alien, the current Department of State Visa Office Bulletin will be consulted to determine whether an immigrant visa is immediately available; an immigrant visa is considered available for accepting and processing the application if the applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the bulletin. The application shall not be approved until an immigrant visa number has been allocated by the Department of State. Information as to immediate availability of an immigrant visa may be obtained at the nearest Service office.

§ 245.2 Application.

An application by an alien after he has been served with an order to show cause or warrant of arrest shall be made and considered only in proceedings under Part 242 of this chapter. In any other case, an alien who believes that he meets the eligibility requirements of section 245 of the Act and § 245.1 shall apply

on Form I-485 to the district director having jurisdiction over his place of residence. An application under this section shall be accompanied by a record of the applicant's birth, Form I-94, if one was issued to the applicant, his passport, and evidence such as an affidavit of support or a letter from an employer to establish that the applicant is not likely to become a public charge. The spouse of an alien beneficiary of a visa petition under section 204 of the Act shall submit, in addition to the foregoing, a marriage certificate and proof of legal termination of prior marriages, if any, of each spouse; each child under 21 years of age of such a beneficiary shall submit the marriage certificate of his parents, together with proof of the legal termination of their prior marriages, if any, unless such documents have been submitted by one of his parents. The applicant shall be notified of the decision and if the application is denied of the reasons therefor. No appeal shall lie from the denial of an application by the district director but such denial shall be without prejudice to the alien's right to renew his application in proceedings under Part 242 of this chapter.

§ 245.3 Adjustment of status under section 13 of the Act of September 11, 1957.

An application for the benefits of section 13 of the Act of September 11, 1957, shall be filed on Form I-485 with the district director having jurisdiction over the applicant's place of residence. The benefits of section 13 of the Act of September 11, 1957, shall be accorded only to an alien who was admitted to the United States under the provisions of either section 101(a)(15)(A) (i) or (ii) or 101(a)(15)(G) (i) or (ii) of the Act and who performed diplomatic or semi-diplomatic duties. Aliens whose duties were of a custodial, clerical, or manual nature are not eligible. The applicant shall be notified of the decision and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 245.4 Adjustment of status under the proviso to section 203(a)(7) of the Act.

The provisions of section 245 of the Act and this part shall govern the adjustment of status provided for in the proviso to section 203(a)(7) of the Act. Processing of applications for adjustment under the proviso to section 203 (a)(7) and this section shall be initiated in each district in the chronological order in which the applicants last arrived in the United States.

§ 245.5 Documentary requirements.

The provisions of Part 211 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant under this part.

§ 245.6 Medical examination.

Upon acceptance of an application, the applicant shall be required to submit to an examination by a medical officer of the U.S. Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act may appeal to a board of medical officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

§ 245.7 Interview.

Each applicant for adjustment of status under this part shall be interviewed by an immigration officer. The interview may be waived in the case of a child under the age of 14.

PART 249—CREATION OF RECORDS OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

§ 249.1 [Amended]

1. Section 249.1 *Waiver of inadmissibility* is amended by deleting the words "section 212(g)" and inserting in lieu thereof the words "section 212(h)."

§ 249.2 [Amended]

2. Section 249.2 *Application* is amended by deleting the date "June 28, 1940," in the third sentence and inserting in lieu thereof the date "June 30, 1948."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The following form is added in numerical sequence:

Form No.; Title and description

I-592 Declaration of Conditional Entrant at Time of Arrival.

2. The following form is inserted between the existing fourth and fifth forms:

Form No.; Title and description

ES-575 Application for Alien Employment Certification:
(Part I—Statement of Qualifications of Aliens (ES-575A)).
(Part II—Job Offer for Alien Employment (ES-575B)).

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to implement the Act of October 3, 1965.

This order shall become effective on December 1, 1965. Compliance with the requirements of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons affected by the regulations prescribed will not require additional time to prepare for the effective date of the regulations.

Dated: November 24, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-12796; Filed, Nov. 29, 1965; 8:50 a.m.]

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (b) of § 212.1 *Documentary requirements for nonimmigrants* is amended to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(b) *British, French, and Netherlands nationals and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa is not required of a British, French, or Netherlands national, or a national of Jamaica or Trinidad and Tobago, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica or Trinidad and Tobago, for admission or stay in Puerto Rico, the Virgin Islands of the United States, or as an agricultural worker in the United States.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on December 1, 1965. Compliance with the requirements of section 4(c) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relating to delayed effective date is unnecessary and would serve no useful purpose in this instance because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: November 24, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-12795; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

Under the provisions of section 170 of the Atomic Energy Act of 1954, as amended, the holder of a license for a production or utilization facility is required to have and maintain financial protection to cover public liability claims and the Commission is required to indemnify the licensee and other persons indemnified against public liability claims in excess of the amount of financial protection required. Subsection 170b. requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection required shall be the maximum amount available from private sources. For other li-

censees, the Commission may require lesser amounts of financial protection. Financial protection may be in the form of private insurance, private contractual indemnities, self insurance, or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are not required to obtain financial protection.

At present, the maximum amount of financial protection available from private sources is $60 million, the maximum amount of private nuclear energy liability insurance that is available. The insurers who provide such liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have advised that effective January 1, 1966, the maximum amount of privately available nuclear energy liability insurance will be increased from $60 million to $74 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $74 million, effective January 1, 1966. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", reflect this requirement.

These amendments also incorporate into Part 140 the reduction in the amount of Government indemnity that the Commission is authorized to extend to licensees as a result of Public Law 89-210. Public Law 89-210 requires that Government indemnity in the amount of $500 million be reduced by the amount that the financial protection required of the licensee exceeds $60 million.

The Commission is also presently considering whether to amend other provisions of Part 140 to increase the financial protection requirements applicable to licensees of power and testing reactors having an authorized thermal power level in excess of 1 megawatt but not having a rated capacity of 100 electrical megawatts or more. This matter is the subject of a separate public notice issued simultaneously herewith.

Since the amendments set out below merely conform the Commission's regulations to a statutory requirement which will become operative when the amount of privately available insurance is increased on January 1, 1966, the Commission has found that general notice of proposed rule making and public procedures thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments of Title 10, Chapter 1, Part 140, Code of Federal Regulations, are published as a document subject to codification, to be effective January 1, 1966.

1. Section 140.11(a)(4) is amended by deleting "$60,000,000" and substituting therefor "$74,000,000".

2. Section 140.75, Appendix A, Conditions, Paragraph 4, Limitation of Liability, is amended by deleting the words "total aggregate liability of the companies exceed $46,500,000" and substituting therefor "total aggregate liability of the companies exceed ______".[1]

3. Section 140.75, Appendix A, Optional Amendatory Endorsement, Paragraph III, Condition 4, is amended by deleting the words "liability of such members exceed $46,500,000," and substituting therefor the words "liability of such members exceed $______".[1]

4. Section 140.76, Appendix B, Article II, Paragraph 6(a), is amended by deleting the number "$46,500,000" wherever it appears and substituting therefor "$57,350,000".

5. Section 140.76, Appendix B, Article II, Paragraph 6(b), is amended by deleting the number "$13,500,000" wherever it appears and substituting therefor "$16,650,000".

6. Section 140.76, Appendix B, Article II, Paragraph 6(c), is amended by deleting the number "$60,000,000" wherever it appears and substituting therefor "$74,000,000".

7. In § 140.76, Appendix B, Article II, the undesignated paragraph following Paragraph 6(c) is designated (d) and is amended by deleting the words "subparagraph 4(b)," in the first sentence and substituting therefor "in".

8. Section 140.76, Appendix B, Article III, Paragraph 4(b)(2), is amended to read "$74,000,000".

9. Section 140.76, Appendix B, Article III, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lowest: (a) $500,000,000; (b) $560,000,000 less the amount of financial protection required under this agreement; or (c) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under this agreement and all other applicable agreements".

10. Section 140.77, Appendix C, Article II, Paragraph 6, is amended by deleting the number "$60,000,000" wherever it appears and substituting therefor the number "$74,000,000" and by deleting the words "subparagraph 4(b)," in the second sentence thereof.

11. Section 140.77, Appendix C, Article III, Paragraph 4(b)(2), is amended to read "$74,000,000".

12. Section 140.77, Appendix C, Article III, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lowest: (a) $500,000,000; (b) $560,000,000 less the amount of financial protection required under this agreement; or (c) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under this agreement and all other applicable agreements".

[1] For policies issued by Nuclear Energy Liability Insurance Association the amount will be $57,350,000; for policies issued by Mutual Atomic Energy Liability Underwriters the amount will be $16,650,000.

13. Section 140.78, Appendix D, Article II, Paragraph 4, is amended by changing "$60,000,000" to "$74,000,000" and by deleting the word "paragraph" in the second sentence thereof and substituting "Article".

14. Section 140.78, Appendix D, Article II, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lower: (a) $500,000,000 or (b) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under all applicable agreements".

15. Section 140.79, Appendix E, Article III, Paragraph 4(b), is amended by changing "$60,000,000" to "$74,000,000" and by deleting the word "paragraph" in the second sentence thereof and substituting "Article".

16. Section 140.79, Appendix E, Article III, Paragraph 6, is amended by deleting the words "in the aggregate exceed $500,000,000 with respect to any nuclear incident" and substituting therefor ", with respect to any nuclear incident, in the aggregate exceed whichever of the following is the lower: (a) $500,000,000 or (b) with respect to a common occurrence, $560,000,000 less the sum of the amounts of financial protection established under all applicable agreements".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Washington, D.C., this 29th day of November 1965.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 65-12897; Filed, Nov. 29, 1965; 11:56 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7035; Amdt. 39-162]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-25-235 Airplanes

There have been recent circumferential failures of both upper fuselage longerons on Piper PA-25-235 airplanes. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection, and repair where necessary, of the upper fuselage longerons on the subject airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA-25-235 Airplanes, Serial Numbers 25-02, 25-2000 thru 25-3731.

Compliance required as indicated, unless already accomplished.

(a) On airplanes with less than 500 hours' time in service on the effective date of this AD, comply with paragraph (c) before the accumulation of 525 hours' time in service.

(b) On airplanes with 500 or more hours' time in service on the effective date of this AD, comply with paragraph (c) within the next 25 hours' time in service after the effective date of this AD.

(c) Inspect the left and right ⅞" x 0.035" upper longerons, P/N 61001-5, located in the hopper bay, for cracks by dye penetrant technique and a 10 power glass.

NOTE: During the inspection required by paragraph (c), which requires removal of the hopper tank, particular attention should be given to the area of the hopper attachment fittings.

(d) If cracks are found during the inspection required by paragraph (c), inspect the right and left ¾" x 0.035" upper longerons, P/N 64001-13 and -14, located in the fuel bay, for cracks by dye penetrant technique and a 10 power glass.

(e) Repair longerons with cracks aft of the wing lift strut fitting in accordance with Piper Service Letter No. 463, dated November 12, 1965, or later FAA-approved revision, or an FAA-approved equivalent. Repair longerons with cracks forward of the wing lift strut fitting in an FAA-approved manner.

NOTE: If cracks are found during the inspections required by this AD, it is requested that the results be reported to the Chief, Engineering and Manufacturing Branch, FAA Southern Region, Post Office Box 20636, Atlanta, Ga., 30320.

This amendment becomes effective November 30, 1965.

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

Issued in Washington, D.C., on November 22, 1965.

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

[F.R. Doc. 65-12743; Filed, Nov. 29, 1965; 8:45 a.m.]

[Docket No. 6722; Amdt. 121-13]

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

Minimum Altitudes for Use of Automatic Pilot

The purpose of this amendment is to authorize FAR Part 121 certificate holders to obtain amendments to their operations specifications to permit the use of an automatic pilot with an approach coupler to touchdown when certain criteria are met.

This amendment is based on a notice of proposed rule making (Notice 65-13), issued on June 15, 1965, and published in the FEDERAL REGISTER on June 26, 1965 (30 F.R. 8009). The basis for this amendment is fully discussed in that notice.

The comments received in response to Notice 65-13 generally concurred with the adoption of this amendment. Two industry associations questioned that part of the proposal that would limit the approval of a flight control guidance system with automatic capability to touchdown, to a system that does not contain any altitude loss factor specified in the airplane flight manual (i.e., the altitude loss must be zero). These comments indicated that this limitation would prevent operational approval of a system that allowed small changes from the intended flight path that are easily controllable and in no way unsafe. These comments apparently refer to an altitude change that might occur during the transition from automatic to manual control, as opposed to an altitude change resulting from the introduction of unintentional and undesirable system response due to a failure or malfunction. The Agency does not consider the former type of change in determining the "maximum altitude loss" that is included in the Airplane Flight Manual since as stated in § 121.579 that loss is based on "the malfunction of the automatic pilot with approach coupler." However, if it was the intent of these comments to recommend that the Agency grant operational approval, to touchdown, of a system that is capable of introducing an unintentional response, however small, the Agency disagrees, since such a system does not contain the safeguards the Agency deems necessary.

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

Since this amendment merely authorizes the amendment of operations specifications and imposes no additional burden on anyone, I find that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, § 121.579 of Part 121 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Paragraph (a) is amended by striking the words "paragraph (b)" and inserting the words "paragraphs (b) and (c)" in place thereof.

2. By adding the following new paragraph at the end thereof:

(c) Notwithstanding paragraph (a) or (b) of this section, the Administrator issues operations specifications to allow the use, to touchdown, of an approved flight control guidance system with automatic capability, in any case in which—

(1) The system does not contain any altitude loss (above zero) specified in the Airplane Flight Manual for malfunction of the automatic pilot with approach coupler; and

(2) He finds that the use of the system to touchdown will not otherwise affect the safety standards required by this section.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424)

Issued in Washington, D.C., on November 22, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65-12744; Filed, Nov. 29, 1965; 8:45 a.m.]

[Docket No. 7037; Amdt. 151-10]

PART 151—FEDERAL AID TO AIRPORTS

U.S. Share of Project Costs in Public Land States

The purpose of this amendment is to revise the table in § 151.43(c) of Part 151 of the Federal Aviation Regulations that sets forth in percentage the U.S. share of the costs of an approved project for airport development in each State where the unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceed 5 percent of the total area of all lands therein. Section 151.43(c) reflects the requirement of section 10(b) of the Federal Airport Act, as amended (49 U.S.C. 1109).

The U.S. percentaged share of project costs in each of these States has been redetermined on the basis of recent information from the Department of the Interior. This redetermination has resulted in changes of the percentages for all the States listed in the table except Alaska, Colorado, Nevada, New Mexico, and South Dakota.

The procedural and effective date requirements of section 4 of the Administrative Procedure Act do not apply to this amendment because it is within the exception in that section relating to public grants, benefits and contracts, and this amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, the table in § 151.43(c) of Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective November 30, 1965, to read as follows:

State	Percent	State	Percent
Alaska	62.50	New Mexico	56.32
Arizona	61.00	Oregon	55.62
California	53.64	South Dakota	52.57
Colorado	53.30	Utah	61.51
Idaho	55.87	Washington	51.54
Montana	53.02	Wyoming	57.33
Nevada	62.50		

(Federal Airport Act, as amended; 49 U.S.C. 1101-1120)

Issued in Washington, D.C., on November 23, 1965.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 65-12745; Filed, Nov. 29, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56537]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Certification of Customs Form Regarding Carpet Wool and Camel's Hair Bond

Section 10.92(c) of the Customs Regulations presently provides that copies of the special term carpet wool and camel's hair bond, customs Form 7549, furnished to ports other than that at which the original of the bond is filed shall be certified. It has been decided in accordance with an employee suggestion that the requirement for certification of such copies is not necessary.

Accordingly, the second sentence of § 10.92(c) is amended by deleting the word "certified." As amended, the said sentence reads as follows:

"If wool or hair is entered or withdrawn at any port other than that at which the original term bond is filed, a copy of such bond shall be filed at such other port."

(77A Stat. 123, sec. 624, 46 Stat. 759; 19 U.S.C. 1202 (Sch. 3, pt. 1C, hdnote. 6), 1624)

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

Approved: November 23, 1965.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12777; Filed, Nov. 29, 1965; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.526]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended (1) to make certain changes in language required by the provisions of section 101(a)(27)(A) of the Immigration and Nationality Act, as amended by the Act of October 3, 1965, and (2) to delete certain temporary provisions made for participants in the 1964 Olympic games entering the United States in bonded transit.

Paragraphs (b) and (e) of § 41.6 are amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * *

(b) *British, French, and Netherlands nationals, and nationals of certain adjacent islands of the Caribbean which are independent countries.* A visa shall not be required of a British, French, or Netherlands national, or of a national of Jamaica or Trinidad and Tobago, who has his residence in British, French, or Netherlands territory located in the adjacent islands of the Caribbean area, or in Jamaica or Trinidad and Tobago, and who is proceeding to Puerto Rico or the Virgin Islands of the United States, or who is proceeding to the United States as an agricultural worker.

* * * * *

(e) *Aliens in immediate transit*—(1) *Aliens in bonded transit.* A visa and a passport shall not be required of an alien, other than an alien who is a citizen of Albania, Bulgaria, Communist-controlled China ("Chinese People's Republic"), Cuba, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, North Korea ("Democratic People's Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), Outer Mongolia ("Mongolian People's Republic"), Poland, Rumania, the Soviet Zone of Germany ("German Democratic Republic"), or the Union of Soviet Socialist Republics, and resident of one of said countries, who is being transported in immediate and continuous transit through the United States in accordance with the terms of a contract, including a bonding agreement, entered into between the transportation line and the Attorney General under the provisions of section 238(d) of the Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country. The acceptance of the privilege of transit without visa and passport provided by this subparagraph shall constitute an agreement by the alien and the transportation line that the alien will depart voluntarily from the United States without recourse to any hearing or proceeding provided for in the regulations of the Immigration and Naturalization Service and that at all times he is not aboard an aircraft which is in flight through the United States he shall be in the custody directed by the district director of that Service: *Provided,* That if admissibility is established only after exercise of the discretionary authority contained in section 212(d)(3)(B) of the Act, the alien shall be in the custody of the Immigration and Naturalization Service at the expense of the transportation line and shall depart on the earliest and most direct foreign-destined vessel or aircraft.

(2) *Foreign government officials in transit.* If an alien is of the class described in section 212(d)(8) of the Act only a valid unexpired visa and a travel document which is valid for entry into a foreign country for at least 30 days from the date of his application for admission into the United States shall be required.

* * * * *

Effective date. The amendments to the regulation contained in this order shall be effective December 1, 1965.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

BARR V. WASHBURN,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

NOVEMBER 23, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

NOVEMBER 24, 1965.

[F.R. Doc. 65-12797; Filed, Nov. 29, 1965; 8:50 a.m.]

[Dept. Reg. 108.527]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended (1) to implement the amendments to the Immigration and Nationality Act made by the Act of October 3, 1965, and (2) to delete the provision relating to revocation of nonimmigrant visas by consular officers when the alien is in the United States.

1. Section 41.25(a) is amended to read as follows:

§ 41.25 Temporary visitors for business or pleasure.

(a) An alien shall be classifiable as a nonimmigrant visitor for business or pleasure if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(B) of the Act and that: (1) He intends to depart from the United States at the expiration of his temporary stay (consular officers are authorized in borderline cases to require the posting of a bond with the Attorney General in a sufficient sum to insure that upon the conclusion of his temporary visit, or upon his failure to maintain temporary visitor status, or any status subsequently acquired under section 248 of the Act, the alien will depart from the United States); (2) he has permission to enter some foreign country upon the termination of his temporary stay; and (3) adequate financial arrangements have been made to enable him to carry out the purpose of his visit and to travel to, sojourn in, and depart from the United States.

(79 Stat. 919)

* * * * *

2. Section 41.45 is amended to read as follows:

§ 41.45 Students.

(a) An alien shall be classifiable as a nonimmigrant student if he establishes to the satisfaction of the con-

sular officer that he qualifies under the provisions of section 101(a)(15)(F)(i) of the Act and that: (1) He will attend, and has been accepted for attendance by, an established institution of learning or other recognized place of study in the United States which has been approved by the Attorney General for the purposes of section 101(a)(15)(F)(i) of the Act, as evidenced by the presentation of Form I-20 (Certificate of Eligibility) properly executed by the accepting school and signed by the alien (the Form I-20, when properly executed and presented by an alien in support of an application for a student visa, shall be accepted by the consular officer as prima facie evidence that the designated institution of learning or other places of study has been approved by the Attorney General for the attendance of nonimmigrant students, and that the visa applicant has been accepted for attendance at such institution or place of study); (2) he is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; (3) he has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or, if his knowledge of the English language is inadequate to enable him to pursue a full course of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full course of study in a language with which he is sufficiently familar, or special arrangements have been made by the accepting institution or other place of study for tutoring the applicant in the English language and the consular officer is satisfied that the applicant will be able, with the assistance of such tutoring, to undertake a full course of study in the United States; and (4) he intends in good faith and will be able to depart from the United States upon the termination of his status (consular officers are authorized in borderline cases to require the posting of a bond with the Attorney General in a sufficient sum to insure that upon the conclusion of his studies, or upon his failure to maintain student status, or any status subsequently acquired under section 248 of the Act, the alien will depart from the United States). An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101(a)(15)(F)(i) of the Act even though no credits are given by the institution for such study, if he is otherwise qualified for classification as a nonimmigrant student. The approved school must be equipped to offer a full course of study in the English language and must have accepted the applicant expressly for that course.

(b) An alien shall also be classifiable as a nonimmigrant if he establishes to the satisfaction of the consular officer that he qualifies under the provisions of section 101(a)(15)(F)(ii) of the Act and that: (1) He is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses; and (2) he intends in good faith and will be able to depart from the United States upon the termination of the status of the principal alien.

(79 Stat. 919)

3. Section 41.91(b) is amended to read as follows:

§ 41.91 Aliens ineligible to receive visas.

* * * * *

(b) *Aliens unable to establish nonimmigrant status.* (1) a nonimmigrant visa shall not be issued to an alien who has failed to overcome the presumption of immigrant status established by section 214(b) of the Act. An alien shall be considered to have established bona fide nonimmigrant status only if the consular officer is satisfied that his case falls within one of the nonimmigrant categories described in section 101(a)(15) of the Act or otherwise established by law or treaty.

(2) Consular officers are authorized in borderline cases under sections (101)(a)(15)(B) and (F) to require the posting of a bond with the Attorney General. (See §§ 41.25(a)(1) and 41.45(a)(4).)

(79 Stat. 919)

* * * * *

4. Section 41.134(d) is amended to read as follows:

§ 41.134 Revocation and invalidation of visas.

* * * * *

(d) *Procedure in revoking or invalidating visas.* A nonimmigrant visa which is revoked or invalidated shall be canceled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly across the face of the visa. The cancellation shall be dated and signed by the consular officer taking the action. The failure of an alien to present his visa for cancellation shall not affect the validity of any action taken to revoke or invalidate such visa.

* * * * *

Effective date. The amendments to the regulations contained in this order shall be effective December 1, 1965.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

BARR V. WASHBURN,
Acting Administrator, Bureau of Security and Consular Affairs.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12798; Filed, Nov. 29, 1965; 8:50 a.m.]

[Dept. Reg. 108.528]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to implement the amendments to the Immigration and Nationality Act made by the Act of October 3, 1965. Statutory provisions interpreted or applied are cited in parentheses.

1. Section 42.1 is amended to read as follows:

§ 42.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

"Accompanying" or "accompanied by" means, in addition to an alien in the physical company of a principal alien, an alien who is issued an immigrant visa within 4 months of the date of issuance of a visa to the principal alien, within 4 months of the adjustment of status in the United States of the principal alien, or within 4 months from the date of the departure of the principal alien from the country in which his dependents are applying for visas if he has traveled abroad to confer his foreign state chargeability upon them. An "accompanying relative may not precede the principal alien to the United States.

"Act" means the Immigration and Nationality Act, as amended.

"Consular officer", as defined in section 101(a)(9) of the Act, shall include commissioned consular officers and the District Administrators of the Trust Territory of the Pacific Islands, hereby designated as consular officers for the purpose of issuing immigrant visas, but shall not include a consular agent, an attache or assistant attache.

"Department" means the Department of State of the United States of America.

"Parent," "father," or "mother," as defined in section 101(b)(2) of the Act, are terms which shall not be affected by the fact that the person with whom the relationship exists may be over 21 years of age or married.

"Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided*, That permission to enter a foreign country must be issued by a competent authority and must be clearly valid for such purpose in order to meet the requirements of section 101(a)(30).

"Port of entry" means a port or place designated by the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

"Principal alien" means an alien from whom another alien derives a privilege or status under the law or regulations.

"Regulation" means a rule established pursuant to the provisions of section 104(a) of the Act which has been duly published in the FEDERAL REGISTER.

"Son" or "daughter" shall not include an alien who would not qualify as a "child" within the meaning of section 101(b)(1) of the Act if the alien were under the age of 21 and unmarried.

"Subquota" means not more than 1 percent of the maximum number of immigrant visas available annually to a governing foreign state, which may be made available to immigrants born in any colony or other component or dependent area overseas from that governing foreign state.

"Western Hemisphere" means North America (including Central America), South America and the islands immediately adjacent thereto including the places named in section 101(b)(5) of the Act.

2. Paragraph (d) of § 42.5 is amended to read as follows:

§ 42.5 Immigrants not required to obtain visas.

* * * * *

(d) *Children born subsequent to issuance of visa to accompanying parent.* An alien child born subsequent to the issuance of an immigrant visa to his parent, who will arrive in the United States with, and apply for admission during the period of validity of the visa issued to, the parent.

(Sec. 211(a), 79 Stat. 917)

* * * * *

3. Paragraph (d) of § 42.6 is amended to read as follows:

§ 42.6 Immigrants not required to present passports.

* * * * *

(d) *Aliens qualified to receive third preference visas.* An immigrant who is eligible to receive a third preference visa, and his accompanying spouse and child, unless the immigrant is applying for a visa in the country of which he is a national and the possession of a passport is required for departure from that country.

* * * * *

4. Section 42.10 is amended to read as follows:

CLASSIFICATION OF IMMIGRANTS

§ 42.10 Presumption of nonpreference immigrant status and burden of proof.

An applicant for an immigrant visa who is subject to the numerical limitations specified in section 201(a) of the Act shall be presumed to be a nonpreference immigrant until he establishes to the satisfaction of the consular officer that he is entitled to a preference status as provided by law. The burden of proof is upon the applicant to establish that he is entitled to the foreign state chargeability claimed, and, if a preference immigrant, that he is the beneficiary of a validly approved petition. The consular officer is authorized to require such evidence, in addition to compliance with petition approval requirements prescribed by statute, as he shall consider necessary to establish that the applicant is in fact entitled to the status claimed.

(Sec. 203(d), 79 Stat. 914)

5. Section 42.12 is amended to read as follows:

§ 42.12 Classification symbols.

A visa issued to an immigrant alien within one of the classes described in this section shall bear a symbol to show the classification of the alien.

(a) The following symbols shall be used in the cases of immigrants who qualify under classes created by special legislation enacted prior to October 3, 1965.

Class	Section of the law	Symbol to be inserted in visa
Beneficiary of second preference petition filed prior to July 1, 1961	25(a), Act of 9-26-61	K-21
Beneficiary of third preference petition filed prior to July 1, 1961	do	K-22
Beneficiary of first preference petition filed prior to Apr. 1, 1962	2, Act of 10-24-62	K-23
Spouse or child of alien classified K-23	do	K-24
Beneficiary of fourth preference petition filed prior to Jan. 1, 1962 who is registered prior to Mar. 31, 1954.	1, Act of 10-24-62	K-25
Spouse or child of alien classified K-25	do	K-26

(b) The following symbols shall be used in cases of aliens who are special immigrants:

Class	Section of the law	Symbol to be inserted in visa
Alien born in independent Western Hemisphere country	101(a)(27)(A)	SA-1
Spouse of alien classified SA-1 (unless SA-1 in own right)	do	SA-2
Child of alien classified SA-1 (unless SA-1 in own right)	do	SA-3
Returning resident	101(a)(27)(B)	SB-1
Person who lost U.S. citizenship by marriage	101(a)(27)(C) and 324(a)	SC-1
Person who lost U.S. citizenship by serving in foreign armed forces	101(a)(27)(C) and 327	SC-2
Minister of religion	101(a)(27)(D)	SD-1
Spouse of alien classified SD-1	do	SD-2
Child of alien classified SD-1	do	SD-3
Certain employees or former employees of U.S. Government abroad	101(a)(27)(E)	SE-1
Accompanying spouse of alien classified SE-1	do	SE-2
Accompanying child of alien classified SE-1	do	SE-3

(c) The following symbols shall be used in cases of aliens who qualify as "immediate relatives":

Class	Section of the law	Symbol to be inserted in visa
Spouse of U.S. citizen	201(b)	IR-1
Child of U.S. citizen	do	IR-2
Orphan adopted abroad by U.S. citizen	do	IR-3
Orphan to be adopted by U.S. citizen	do	IR-4
Parent of U.S. citizen	do	IR-5

(d) The following symbols shall be used in cases of immigrants who are subject to the numerical restrictions specified in section 201(a) of the Act:

Class	Section of the law	Symbol to be inserted in visa
First preference: Unmarried son or daughter of U.S. citizen	203(a)(1)	P1-1.
First preference: Child of alien classified P1-1	203(a)(9)	P1-2.
Second preference: Spouse of alien resident	203(a)(2)	P2-1.
Second preference: Unmarried son or daughter of alien resident	do	P2-2.
Second preference: Child of alien classified P2-1 or P2-2	203(a)(9)	P2-3.
Third preference: Professional or highly skilled immigrant	203(a)(3)	P3-1.
Third preference: Spouse of alien classified P3-1	203(a)(9)	P3-2.
Third preference: Child of alien classified P3-1	do	P3-3
Fourth preference: Married son or daughter of U.S. citizen	203(a)(4)	P4-1
Fourth preference: Spouse of alien classified P4-1	203(a)(9)	P4-2
Fourth preference: Child of alien classified P4-1	do	P4-3
Fifth preference: Brother or sister of U.S. citizen	203(a)(5)	P5-1
Fifth preference: Spouse of alien classified P5-1	203(a)(9)	P5-2
Fifth preference: Child of alien classified P5-1	do	P5-3
Sixth preference: Needed skilled or unskilled worker	203(a)(6)	P6-1
Sixth preference: Spouse of alien classified P6-1	203(a)(9)	P6-2
Sixth preference: Child of alien classified P6-1	do	P6-3
Nonpreference immigrant	203(a)(8)	NP-1

6. Section 42.20 is amended to read as follows:

IMMEDIATE RELATIVES AND SPECIAL IMMIGRANTS

§ 42.20 General.

An immediate relative or special immigrant visa shall be issued to an alien only after he has established that (a) he is entitled to such classification under the provisions of section 201(b) or 101 (a)(27) of the Act or other provision of law, and (b) he is otherwise eligible to receive a visa under the provisions of section 212 of the Act and § 42.91.

(Sec. 203(d), 79 Stat. 914)

7. Section 42.21 is amended to read as follows:

§ 42.21 Spouses, children and parents of U.S. citizens.

An alien shall be classifiable as an immediate relative under section 201(b) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen must be at least 21 years of age in order to confer immediate relative status upon a parent. An immediate relative shall be documented as such unless the U.S. citizen relative refuses to file the required petition for personal reasons other than financial considerations or inconvenience.

(79 Stat. 911)

8. Section 42.22 is amended to read as follows:

§ 42.22 Natives of certain Western Hemisphere countries.

(a) An alien shall be classifiable as a special immigrant under section 101(a) (27)(A) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he is within a class described in that section.

(b) A spouse or child of a native of a country referred to in section 101(a)(27) (A) of the Act who is not a native of that country shall establish to the satisfaction of the consular officer that he is accompanying a spouse or parent born in such country, or that he is following to join a spouse or parent born in such country who has the status in the United States of an alien lawfully admitted for permanent residence. The eligibility of the spouse or child for special immigrant status under this section shall not be affected by the fact that the marriage of the spouse or the birth of the child occurred subsequent to the admission of the principal alien into the United States.

(79 Stat. 916)

9. Section 42.23 is amended to read as follows:

§ 42.23 Returning resident aliens.

(a) An alien shall be classifiable as a special immigrant under section 101(a) (27)(B) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that: (1) He had the status of an alien lawfully admitted for permanent residence at the time of his departure from the United States; (2) he departed from the United States with the intention of returning thereto and has not abandoned this intention; and (3) he is returning to the United States from a temporary visit abroad and, if his stay abroad was protracted, that such stay was caused by reasons beyond his control and for which he was not responsible.

(b) Unless the consular officer has reason to question the legality of the alien's previous admission into the United States for permanent residence, or his eligibility to receive an immigrant visa, only those records and documents required under section 222(b) of the Act which relate to the period of his residence in the United States and the period of his temporary visit abroad shall be required. If any required record or document is unobtainable the provisions of § 42.111 shall apply.

(79 Stat. 916)

10. Section 42.24 is amended to read as follows:

§ 42.24 Certain former U.S. citizens.

(a) *Women expatriates.* An alien shall, regardless of marital status, be classifiable as a special immigrant under section 101(a)(27)(C) of the Act if she establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that she was a citizen of the United States and that she meets the requirements of section 324(a) of the Act.

(b) *Military expatriates.* An alien shall be classifiable as a special immigrant under section 101(a)(27)(C) of the Act if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he was a citizen of the United States and that he lost his citizenship under the circumstances set forth in section 327 of the Act.

(79 Stat. 916)

11. Section 42.25 is amended to read as follows:

§ 42.25 Ministers of religion.

(a) An alien shall be classifiable as a special immigrant under section 101(a) (27)(D) of the Act if he establishes to the satisfaction of the consular officer that he qualifies under that section.

(b) The term "minister", as used in section 101(a)(27)(D) of the Act, means a person duly authorized by a recognized religious denomination having a bona fide organization in the United States to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergyman of such denomination. The term shall not include a lay preacher not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman of the denomination of which he is a member, and shall not include a nun, lay brother, or cantor.

(79 Stat. 916)

12. Section 42.26 is amended to read as follows:

§ 42.26 Certain U.S. Government employees.

An alien shall be classifiable as a special immigrant under section 101(a)(27) (E) of the Act if it is established to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under that section. An alien may qualify on the basis of employment abroad with one or more agencies of the U.S. Government.

(79 Stat. 916)

13. Section 42.27 reads as follows:

§ 42.27 Classes created by special legislation.

(a) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 25(a) of the Act of September 26, 1961.

(75 Stat. 657)

(b) An alien shall be classifiable as a nonquota immigrant if he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he qualifies under section 1 or section 2 of the Act of October 24, 1962.

(76 Stat. 1247)

14. Section 42.30 is amended to read as follows:

PREFERENCE AND NONPREFERENCE IMMIGRANTS

§ 42.30 First preference immigrants.

(a) An alien shall be classifiable as a first preference immigrant under section 203(a)(1) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen parent and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen, in order to confer that preference status upon an unmarried son or daughter, must be a "parent" as defined in section 101(b)(2) of the Act and § 42.1.

(79 Stat. 912)

(b) The child of an unmarried son or daughter of a U.S. citizen shall be entitled to derivative first preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

15. Section 42.31 is amended to read as follows:

§ 42.31 Second preference immigrants.

(a) An alien shall be classifiable as a second preference immigrant under section 203(a)(2) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by an alien lawfully admitted to the United States for permanent residence and approved in

accordance with section 204 of the Act and the consular officer is satisfied that the applicant has the relationship to the resident alien indicated in the petition.

(79 Stat. 913)

(b) The child of a spouse or unmarried son or daughter of a lawful permanent resident shall be entitled to derivative second preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

16. Section 42.32 is amended to read as follows:

§ 42.32 Third preference immigrants.

(a) An alien shall be classifiable as a third preference immigrant under section 203(a)(3) of the Act if he establishes to the satisfaction of the consular officer that he is within the class described in that section and the consular officer has received from the Immigration and Naturalization Service a petition approved in accordance with section 204 of the Act.

(79 Stat. 913)

(b) The spouse or child of the beneficiary of a third preference petition shall be entitled to derivative third preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

17. Section 52.33 is amended to read as follows:

§ 42.33 Fourth preference immigrants.

(a) An alien shall be classifiable as a fourth preference immigrant under section 203(a)(4) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen parent and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition.

(79 Stat. 913)

(b) The spouse or child of a married son or daughter of a U.S. citizen shall be entitled to derivative fourth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

18. Section 42.34 is amended to read as follows:

§ 42.34 Fifth preference immigrants.

(a) An alien shall be classifiable as a fifth preference immigrant under section 203(a)(5) if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a United States citizen and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen of any age may confer fifth preference status upon a brother or sister.

(79 Stat. 913)

(b) The spouse or child of a brother or sister of a U.S. citizen shall be entitled to derivative fifth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

19. Section 42.35 is added to read as follows:

§ 42.35 Sixth preference immigrants.

(a) An alien shall be classifiable as a sixth preference immigrant under section 203(a)(6) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed on the applicant's behalf by a prospective employer and validly approved in accordance with section 204 of the Act.

(79 Stat. 913)

(b) The spouse or child of a sixth preference immigrant shall be entitled to derivative sixth preference status pursuant to section 203(a)(9) of the Act, whether or not named in the petition.

(79 Stat. 914)

20. Section 42.36 is added to read as follows:

§ 42.36 Nonpreference immigrants.

An alien who is subject to the numerical limitations specified in section 201(a) of the Act shall be classifiable as a nonpreference immigrant if he is not entitled to or does not elect to apply for a preference status.

(Sec. 203(a)(8), 79 Stat. 913)

21. Section 42.40 is amended to read as follows:

PETITIONS

§ 42.40 Effect of approved petition.

Consular officers are authorized by the Secretary of State to grant, upon receipt of, and within the validity period of, a petition filed with and approved by the Immigration and Naturalization Service, the immediate relative or preference status indicated in the petition. The approval of a petition by the Immigration and Naturalization Service shall not relieve the alien of the burden of establishing to the satisfaction of the consular officer that he is eligible in all respects to receive a visa.

(Sec. 204, 79 Stat. 915)

22. Section 42.41 is amended to read as follows:

§ 42.41 Petitions for immediate relative status.

No alien shall be issued a visa as an immediate relative unless the consular officer has received from the Immigration and Naturalization Service a petition filed and approved in accordance with section 204 of the Act.

(79 Stat. 915)

23. Section 42.42 is amended to read as follows:

§ 42.42 Petitions for preference status.

No alien shall be issued a visa as a preference immigrant unless the consular officer has received from the Immigration and Naturalization Service a petition filed and approved in accordance with section 204 of the Act.

(79 Stat. 915)

24. Section 42.43 is amended to read as follows:

§ 42.43 Suspension or termination of action in petition cases.

(a) *Suspension of action.* A consular officer shall suspend action in a petition case under any of the following circumstances:

(1) The petitioner requests suspension of action, or the consular officer knows or has reason to believe that the petition was approved erroneously, or that the approval of the petition was obtained by fraud, misrepresentation, or other unlawful means, or that the beneficiary is not entitled, for any other reason, to the status approved. In such a case the petition shall be forwarded to the Department with a report of the facts developed in order that it may be ascertained whether the Immigration and Naturalization Service desires to revoke or reaffirm the approval of the petition.

(2) The petition has been automatically revoked under the regulations of the Immigration and Naturalization Service due to the beneficiary's failure to obtain a visa within the prescribed period of validity of the petition. Such a petition may be revalidated by the Immigration and Naturalization Service and is to be returned to the office of the Service which approved the petition, at the request of the beneficiary in an immediate relative case and in a preference case at the request of the beneficiary at such time as it appears that a preference number may be available within one year for the issuance of an immigrant visa.

(b) *Termination of action.* Consular officers shall terminate action in petition cases if the approval of a petition for immediate relative or preference status has been revoked by the Immigration and Naturalization Service, and notice of revocation has been communicated to the appropriate consular officer, or if the consular officer finds that the petition has been automatically revoked under the regulations of the Immigration and Naturalization Service and may not be revalidated under those regulations.

(Sec. 205, 79 Stat. 916)

25. Section 42.50 is amended to read as follows:

FOREIGN STATE CHARGEABILITY

§ 42.50 General rules of chargeability.

An immigrant shall be chargeable to the foreign state of his birth unless (a) he is classifiable as an immediate relative or special immigrant, or (b) his case falls within one of the exceptions to the general rule of quota chargeability as provided in section 202 of the Act.

(79 Stat. 911)

26. Section 42.51 is amended to read as follows:

§ 42.51 Exception for accompanying child.

An immigrant child, including a child born in a subquota area, accompanied

by his alien parent may be charged to the foreign state of birth of the accompanying parent, as provided in section 202(b)(1) of the Act, if necessary to prevent the separation of the child from the accompanying parent or parents.

(Sec. 202, 79 Stat. 912)

27. Section 42.52 is amended to read as follows:

§ 42.52 Exception for accompanying spouse.

An immigrant spouse, including a spouse born in a subquota area, may, as provided in section 202(b)(2) of the Act, be charged to the foreign state of his accompanying spouse if necessary to prevent the separation of husband and wife.

(Sec. 202, 79 Stat. 912)

28. Section 42.53 is amended to read as follows:

§ 42.53 Exception applying to alien born in the United States.

The chargeability of an immigrant who was born in the United States shall be determined by the provisions of section 202(b)(3) of the Act.

(Sec. 202, 79 Stat. 912)

29. Section 42.54 is amended to read as follows:

§ 42.54 Exception for alien born in foreign state of which neither of his parents was a resident.

An alien who was born in a foreign state in which neither of his parents was born, and in which neither of his parents had a residence at the time of his birth, may be charged to the foreign state of either parent as provided in section 202(b)(4) of the Act. The parents of such an alien shall not be considered as having acquired a residence within the meaning of section 202(b)(4), if at the time of such alien's birth within the foreign state they were merely visiting temporarily or were stationed there under orders or instructions of an employer, principal or superior authority foreign to such foreign state in connection with the business or profession of the employer, principal or superior authority.

(79 Stat. 912)

30. Section 42.55 is amended to read as follows:

§ 42.55 Immigrants chargeable to subquotas.

An immigrant born in a subquota area shall be chargeable to the subquota for that area unless he is classifiable as an immediate relative or special immigrant or unless his case falls within one of the exceptions to the general rule of foreign state chargeability as provided in § 42.51, § 42.52 or § 42.54.

CROSS REFERENCE: For definition of the term "subquota" see § 42.1

(Sec. 202(c), 79 Stat. 912)

§§ 42.56–42.58 [Rescinded]

31. Sections 42.56, 42.57 and 42.58 are rescended.

32. Section 42.60 is amended to read as follows:

NUMERICAL CONTROLS

§ 42.60 Allocation of numbers during the transition period.

(a) Until July 1, 1968, the quota for each quota area shall be the same as that which existed for that area on June 30, 1965.

(b) The amount of quota numbers which remained unused on June 30, 1965, and which are available for distribution pursuant to section 201(d) of the Act prior to July 1, 1966, is 55,611.

(c) Centralized control of quotas and of the immigration pool provided by section 201(d) of the Act shall be established in the Department. The Department will allocate numbers from the quotas and the pool on a worldwide basis to consular officers abroad in accordance with the provisions of sections 201, 202, and 203 of the Act.

(79 Stat. 911)

33. Section 42.61 is amended to read as follows:

§ 42.61 Control of subquotas.

The limitations of section 202(c) of the Act shall apply to subquota areas listed by the Department. The priority in the issuance of visas to aliens chargeable to a subquota shall be determined by the priority of such aliens in relation to the quota of the governing foreign state except that the priority of aliens chargeable to a subquota shall be determined by their priority on the subquota waiting list if the demand on the subquota is greater than the demand on the quota for the governing foreign state.

(Sec. 202(c), 79 Stat. 912)

34. Section 42.62 is amended to read as follows:

§ 42.62 Waiting lists.

(a) *Establishment of waiting lists.* Form FS-417 (Waiting List Filler) or Forms FS-499A and FS-499B (Immigrant Visa Control Card), when maintained in accordance with appropriate Departmental instructions, shall be considered to constitute "waiting lists" within the meaning of section 203(a)(8) of the Act. Such lists shall show the priority date of each nonpreference applicant. The name of each family member shall be listed separately under the quota for the foreign state to which he is chargeable with appropriate cross references to members of the family who may be chargeable to other oversubscribed quotas. The provisions of section 202(b) of the Act shall be applied, if appropriate, when the turn of either spouse or of a parent is reached on the waiting list. (For regulations regarding administrative waiting lists, see § 42.100.)

(b) *Listing of nonpreference immigrants.* Except as otherwise provided in §§ 42.63 and 42.66, the registration priority of nonpreference immigrants shall be determined by the chronological order in which their registration applications are received at each consular office, or as otherwise provided in § 42.64(b).

(c) *Registration priority.* No alien shall be given a priority date earlier than January 1, 1944.

(d) *Priority in order of consideration.* Consideration shall be given immigrant visa applications in the order prescribed in section 203(b) of the Act, and no immigrant within any category shall have his case considered until consideration shall have been given to other immigrants in the same category who have an earlier priority on the chronological waiting list for such category.

(Sec. 203(b), 79 Stat. 914)

35. Section 42.63 is amended to read as follows:

§ 42.63 Aliens not to be registered.

(a) The name of an alien in the United States, other than one who is the beneficiary of a preference petition, shall not be entered on a waiting list if he entered the United States without inspection.

(b) An alien who has been denied registration under paragraph (a) of this section and who has maintained a continuing intention to immigrate into the United States may, upon his application, be registered on a waiting list with a priority not antedating the date of his departure from the United States.

36. Section 42.64 is amended to read as follows:

§ 42.64 Procedure in registering immigrants.

(a) *Place of registration.* Every alien who desires to have his name registered on a waiting list shall make application for registration at a U.S. consular office, preferably in in the consular district in which he has his residence.

(b) *Application for registration.* The registration of a nonpreference immigrant may be effected upon the basis of an application for registration properly executed by the immigrant and received in the consular office from such immigrant, or by any clear indication of the immigrant's intention to immigrate into the United States which was contemporaneously recorded in the files of a U.S. consular office abroad, or of the Department, or of the Immigration and Naturalization Service of the Department of Justice. When an application for registration is received at a consular office the date, as well as the hour and minute whenever practicable, of the receipt of such registration application form shall be noted thereon and shall constitute the registration priority under which the applicant's name shall be registered in the nonpreference category on the appropriate waiting list.

37. Section 42.65 is amended to read as follows:

§ 42.65 Derivative registration.

(a) *Principal and derivative registrants.* The application of an immigrant for registration shall be considered as automatically including any spouse he may have or may subsequently acquire, and any child such immigrant

or his spouse may have or may subsequently acquire, regardless of whether such spouse or child was specifically named in his application for registration. The name of any spouse or child included in the principal alien's application for registration shall be separately registered by the consular officer under the priority date of the principal alien. The provisions of this paragraph shall not adversely affect any privileges relating to derivative registration acquired prior to July 1, 1954.

(b) *Termination of derivative registration.* The privilege of derivative registration accorded a spouse or child under the provisions of paragraph (a) of this section, whose name has not been previously recorded on a waiting list, shall terminate only if by his own act the derivative registrant brings his case within the provisions of § 42.66(a). Sons or daughters who qualify as derivative registrants shall not lose such status solely because they may subsequently reach the age of 21 or marry.

38. Section 42.66 is amended to read as follows:

§ 42.66 Cancellation of registration.

Except as provided in paragraph (b) of § 42.68, the registration of an immigrant shall be cancelled under any of the following circumstances:

(a) The registrant is issued an immigrant visa.

(b) The registrant is refused a visa.

(c) The registrant was erroneously registered.

(d) The registrant dies.

(e) The registrant abandons his intention to immigrate to the United States.

(f) The registrant fails to respond within 60 days to a notification that his name has been reached on the waiting list.

(g) The registrant responds within 60 days to a notification that his name has been reached on the waiting list but indicates that he is unwilling or unable to immigrate to the United States at this time.

(h) The registrant, if admitted into the United States as a nonimmigrant, is deported from the United States under section 241(a)(9) of the Act.

(i) The registrant is in the United States illegally, having entered without inspection.

39. Section 42.67 is amended to read as follows:

§ 42.67 Reinstatement of priority and new registration following cancellation.

(a) *Reinstatement.* An alien whose registration has been cancelled under the provisions of § 42.66, in the absence of evidence that he has abandoned his intention to immigrate to the United States, may be accorded his original priority on the waiting list in the following circumstances: (1) The alien's name has been removed from the waiting list under paragraph (a) of § 42.66 and he fails to use the immigrant visa for reasons beyond his control and he makes application for another visa in the fiscal year immediately following the year in which the visa was originally issued; (2) the alien's name has been removed from the waiting list under paragraph (b) of § 42.66 and he makes application for a visa within 2 years from the date the visa was refused, the ground of ineligibility having been overcome; (3) the alien's name has been removed from the waiting list under paragraph (f) of § 42.66 and within 2 years of the date his name was removed he establishes to the satisfaction of the consular officer that his failure to respond was for reasons beyond his control, and he presents all of the documentation required to qualify for a visa; (4) the alien's name has been removed from the waiting list under paragraph (g) of § 42.66 and within 2 years of the date his name was removed he applies for a visa and presents all of the required documentation; or (5) the alien has failed to meet the time limitations specified in the preceding subparagraphs, but the principal officer or, at a diplomatic mission, the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General, determines that the has maintained a continuing intention to immigrate to the United States and that his failure to apply or furnish required documentation within the prescribed period of time was for reasons beyond his control.

(b) *New registration following cancellation.* An alien whose name has been removed from the waiting list under paragraph (h) or (i) of § 42.66 who has maintained a continuing intention to immigrate may, upon application, be granted a priority on the waiting list which does not antedate the date of his departure from the United States.

40. Section 42.68 is added to read as follows:

§ 42.68 Listing of preference immigrants.

(a) The priority of a preference immigrant shall be determined by the date on which the approved petition granting the preference status was filed with the Immigration and Naturalization Service, including petitions filed prior to December 1, 1965. If it is necessary, because of oversubscription within a particular preference category, to maintain a chronological listing of such intending immigrants, the procedures outlined in § 42.62(a) should be followed.

(b) The priority of registration established by the filing date of a petition approved to accord preference status under the provisions of section 203(a)(1) through (6) of the Act shall not be cancelled unless the petition according preference status is revoked by the Immigration and Naturalization Service, or, if it has expired, the Service has refused to revalidate it.

41. Section 42.91 is amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* Determinations relating to the ineligibility of aliens to receive immigrant visas under section 212(a) of the Act shall be governed by the following provisions:

(1–6) *Medical grounds of ineligibility.* (i) A finding of a medical examiner of the U.S. Public Health Service, of a contract location physician, or of a panel physician designated by the Foreign Service establishment in whose jurisdiction the examination is performed, with respect to the applicability of section 212(a) (1) through (6) of the Act shall be binding on the consular officer, except that the consular officer may refer for review to the appropriate office of the U.S. Public Health Service the finding of a contract location or panel physician in an individual case.

(ii) The benefits of section 212(g) of the Act shall be available to an alien ineligible to receive a visa under section 212(a) (1) or (3) of the Act or afflicted with tuberculosis in any form who is the spouse, unmarried son or daughter, the minor unmarried lawfully adopted child, or parent of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, under the condtions set out in section 212(g), and implementing regulations.

(75 Stat. 654; 79 Stat. 919)

* * * * *

(9) *Crime involving moral turpitude.* * * *

(iii) An alien who is ineligible to receive a visa under section 212(a)(9) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(h) of the Act.

(75 Stat. 655; 79 Stat. 919)

* * * * *

(10) *Conviction of two or more offenses.* (i) An alien who is ineligible to receive a visa under section 212(a)(10) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(h) of the Act.

(75 Stat. 655; 79 Stat. 919)

* * * * *

(12) *Prostitution, procuring and related activities.* * * *

(iv) An alien who is ineligible to receive a visa under section 212(a)(12) of the Act but who qualifies for the benefits of section 212(h) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa shall not be issued to

such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(h) of the Act.

(75 Stat. 655; 79 Stat. 919)

* * * * *

(14) *Aliens entering to perform skilled or unskilled labor.* An alien within one of the classes specified in this subparagraph who is seeking to enter the United States for the purpose of engaging in gainful employment shall be ineligible to receive a visa under the provisions of section 212(a)(14) of the Act, unless the Secretary of Labor shall have certified to the Attorney General and the Secretary of State, or to a consular officer for the Secretary of State that (i) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (ii) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The provisions of section 212 (a)(14) shall apply only to the following classes of aliens: (i) Aliens who are preference immigrants described in section 203(a) (3) and (6), (ii) Aliens who are nonpreference immigrants as described in section 203(a)(8), and (iii) Aliens who are special immigrants under section 101(a)(27)(A) of the Act (except the parents, spouses, or children of U.S. citizens or of aliens lawfully admitted for permanent residence).

(79 Stat. 917)

(15) *Public charge.* * * *

(ii) An alien within the purview of section 212(a)(15) of the Act, who is otherwise eligible to receive a visa, may be issued an immigrant visa upon receipt of notice by the consular officer of the giving of a bond or undertaking, as provided in section 221(g) of the Act, if the consular officer is satisfied that the giving of such bond or undertaking removes the alien's ineligibility to receive a visa under this section of the law.

* * * * *

(19) *Fraud and misrepresentation.* * * *

(iv) An alien who is ineligible to receive a visa under section 212(a)(19) of the Act but who qualifies for the benefits of section 212(i) of the Act shall be advised of the procedure for applying to the Immigration and Naturalization Service for relief under that provision of law. A visa may not be issued to such an alien until the consular officer has received notification from the Immigration and Naturalization Service of the approval of the alien's application for the benefits of section 212(i) of the Act.

(Sec. 212(i), 75 Stat. 655 and 79 Stat. 919)

* * * * *

(24) *Aliens arriving in foreign contiguous territory or adjacent islands on nonsignatory or noncomplying transportation lines.* * * *

(ii) An alien who is a native-born citizen of a country referred to in section 101(a)(27)(A) of the Act;

* * * * *

42. The cross reference in § 42.95 is amended to read as follows:

RELIEF FOR CERTAIN INELIGIBLE ALIENS

§ 42.95 Relief for certain ineligible aliens.

* * * * *

CROSS REFERENCE: For waiver of certain grounds of ineligibility under the provisions of section 212 (g), (h), or (i) of the Act, as amended, see § 42.91(a) (1–6), (9), (10), (12), and (19).

43. Section 42.100 is amended to read as follows:

§ 42.100 Administrative waiting lists.

Whenever it becomes administratively impracticable at any consular office to give consideration to, and take final action upon, the case of an applicant for an immigrant or a special immigrant visa without a waiting period, each applicant's priority shall be maintained by the registration of his name on an administrative waiting list.

44. Section 42.114 is amended to read as follows:

§ 42.114 Personal appearance.

Every applicant, including an alien whose application is executed by another person, shall be required to appear personally before the consular officer in connection with the execution of his application, except that the consular officer may, in his discretion, waive personal appearance in the case of any child under the age of 14.

(Sec. 222, 66 Stat. 193)

45. Section 42.115(a) is amended to read as follows:

§ 42.115 Application forms.

(a) *Preliminary questionnaire.* An alien may be required in the discretion of the consular officer to complete Form FS-497 (Preliminary Questionnaire to Determine Immigrant Status) for the purpose of assisting in the determination of the alien's classification and foreign state chargeability.

* * * * *

46. Section 42.122 (a) and (d) are amended to read as follows:

§ 42.122 Validity of visas.

(a) The period of validity of an immigrant visa shall not exceed four months, beginning with the date of issuance, except that any visa issued to a child lawfully adopted by a U.S. citizen and spouse while such citizen is serving abroad in the U.S. Armed Forces, or is employed abroad by the U.S. Government, or is temporarily abroad on business, shall be valid until such time, for a period not to exceed 3 years, as the adoptive citizen parent returns to the United States in due course of his service, employment, or business.

* * * * *

(d) The period of validity of a visa issued to an immigrant as a child shall not extend beyond the day immediately preceding the date on which the alien becomes 21 years of age. The consular officer shall warn an alien, when appropriate, that he will be inadmissible as such an immigrant if he is not unmarried at the time of application for admission or if he fails to apply for admission at a port of entry into the United States before reaching the age of 21 years. The consular officer shall also warn an alien issued a visa as a first or second preference immigrant as an unmarried son or daughter of a citizen or lawful permanent resident of the United States that he will be inadmissible as such an immigrant if he is not unmarried at the time of application for admission into the United States.

(Sec. 221(c), 66 Stat. 191; 75 Stat. 651; 8 U.S.C. 1201)

47. Section 42.124(a) is amended to read as follows:

§ 42.124 Procedure in issuing visas.

(a) *Insertion of data.* In issuing an immigrant visa the pertinent information shall be inserted in the designated blank spaces provided on Form FS-511 (Immigrant Visa and Alien Registration), in accordance with the instructions contained in this section.

(1) A symbol as specified in § 42.12 shall be used to indicate the classification of the immigrant.

(2) If the immigrant is the beneficiary of an approved visa petition, a notation shall be inserted on the visa indicating that the petition is attached.

(3) Immediate relative or special immigrant visas may be numbered in consecutive order at each consular office, beginning a new series on July 1 of each year, if the principal consular officer considers the numbering of such visas to be desirable. An immigrant visa shall bear the number assigned to the immigrant followed by a notation indicating the foreign state or subquota to which the alien is chargeable.

(4) The date of issuance and the date of expiration of the visa shall be inserted in the proper places on the visa and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952."

(5) In the event the passport requirement has been waived under the provisions of § 42.6, a notation shall be inserted in the space provided for the passport number, setting forth the authority (section and paragraph) under which the passport was waived.

(6) A photograph, appropriately signed, shall be attached in the space provided on Form FS-511 by the use of a legend machine unless specific authorization has been granted by the Department to use the impression seal only.

* * * * *

48. Section 42.125 is amended to read as follows:

§ 42.125 Issuance of new or replace visas.

(a) *New immediate relative or special immigrant visa.* (1) An immediate relative or special immigrant who establishes that his visa has been lost or mutilated, or has expired, may be issued a new visa at the same or any other consular office upon payment of the statutory application and visa fees if the immigrant is at that time found qualified to receive such a visa.

(2) Prior to issuing a new immediate relative or special immigrant visa at a consular office other than that which issued the original visa, the consular officer shall communicate with the original visa-issuing office to ascertain if any reason is known why a new visa should not be issued.

(3) In the event a new immediate relative or special immigrant visa is issued as provided in subparagraph (1) of this paragraph, the visa shall be given a new number in the series of such visas issued at the consular office if that office numbers such visas.

(b) *Replace immigrant visa.* (1) An immigrant documented under section 203 of the Act who establishes that his visa has been lost or mutilated, or that he was otherwise unable to use it during the period of its validity because of reasons beyond his control and for which he was not responsible, may be issued a replace immigrant visa under the original number during the same fiscal year in which the original visa was issued, upon payment anew of the statutory application and visa fees, if the immigrant is at that time found qualified to receive such a visa and the consular officer is in possession of the duplicate signed consular file copy of the original visa. Prior to issuing a replace immigrant visa to an alien whose original immigrant visa was issued at some other consular office, the consular officer shall also ascertain whether any reason is known to the original visa-issuing office why a replace visa should not be issued.

(2) In issuing a replace immigrant visa, as provided in subparagraph (1) of this paragraph, the word "Replace" shall be inserted on Form FS-511 before the word "Immigrant" in the title of the visa.

(c) *Re-issuance of retrieved visa numbers.* If an immigrant is excluded from the United States and deported, or, having an immigrant visa, does not apply for admission to the United States before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not be a preference immigrant, the number may be used for another qualified applicant or may be returned to the Department for reallocation within the fiscal year in which the original visa was issued.

(Sec. 221(c), 66 Stat. 191; 8 U.S.C. 1201; Sec. 206, 79 Stat. 916)

49. Section 42.140 is amended to read as follows:

TRANSFER OF CASES

§ 42.140 Transfer of cases.

(a) All documents, papers and other evidence relating to an applicant for an immigrant visa whose application is pending or has been refused at one consular office may be transferred to another consular office at the applicant's request and risk if there is reasonable justification for the transfer of the applicant's file, and the transferring consular office has no reason to believe that the alien will be unable to appear at the receiving office to apply for a visa.

(b) The transfer of a case shall include any authorization to grant immediate relative or preference status based upon an approved petition.

(c) In no case shall a number be transferred from one consular office to another. A number allotted by the Department which cannot be used as a result of the transfer of a case to another office shall be returned to the Department immediately.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Effective date. The amendments to the regulations contained in this order shall become effective on December 1, 1965.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

BARR V. WASHBURN,
Acting Administrator, Bureau of Security and Consular Affairs.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12799; Filed, Nov. 29, 1965; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6865]

PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965

Exemption Certificates for Use in Obtaining Supplies for Vessels and Aircraft Tax Free

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, under section 802(c) of the Excise Tax Reduction Act of 1965 (79 Stat. 159), relating to the use of exemption certificates in obtaining supplies for vessels and aircraft free of the manufacturers excise tax, the following regulations are hereby prescribed:

§ 145.4 Statutory provisions; exception to registration in case of vessels and aircraft.

Section 802(c) of the Excise Tax Reduction Act of 1965:

(c) *Exception to registration in case of vessels and aircraft.* Section 4222(b) (relating to exceptions to registration) is amended by adding at the end thereof the following new paragraph:

"(5) *Supplies for vessels or aircraft.* Subsection (a) shall not apply to a sale of an article for use by the purchaser as supplies for any vessel or aircraft if such purchaser complies with such regulations relating to the use of exemption certificates in lieu of registration as the Secretary or his delegate shall prescribe to carry out the purpose of this paragraph."

[Sec. 802(c) of the Excise Tax Reduction Act of 1965 (79 Stat. 159)]

§ 145.4-1 Exemption certificates for use in obtaining supplies for vessels and aircraft tax free.

(a) *In general.* An article subject to an excise tax imposed by chapter 32 of the Internal Revenue Code of 1954 may after June 30, 1965, be sold tax-free by the manufacturer for use by the purchaser as supplies for a vessel or aircraft under section 4221(a)(3), even though neither the seller nor the purchaser is registered as required by section 4222 of the Code and § 148.1-3 of this chapter (Certain Excise Tax Matters Under the Excise Tax Technical Changes Act of 1958) if the provisions of paragraph (b) of this section are satisfied. The article may also be sold tax-free if the manufacturer and purchaser are so registered.

(b) *Evidence required to establish exemption.* (1) In order to establish exemption from tax on the sale of an article by the manufacturer for use by the purchaser as supplies for a vessel or aircraft, the manufacturer must obtain (prior to or at the time of the sale) from the owner, charterer, or authorized agent of the vessel or aircraft and retain in his possession a properly executed exemption certificate in the form prescribed by paragraph (c) of this section. If articles are sold tax-free for use as supplies for civil aircraft employed in foreign trade or in trade between the United States and any of its possessions, the exemption certificate must show the name of the country in which the aircraft is registered.

(2) Where only occasional sales of articles are made to a purchaser for a use as supplies for vessels or aircraft, a separate exemption certificate shall be furnished for each order. However, where sales are regularly or frequently made to a purchaser for such exempt use, a certificate covering all orders for a specified period not to exceed 4 calendar quarters will be acceptable. Such certificates and proper records of invoices, order, etc., relative to tax-free sales must be kept for inspection by the district director as provided in section 6001. If a seller's records with respect to any sale claimed to be tax free do not include a proper certificate, with supporting invoices and such other evidence as may be

necessary to establish the exempt character of the sale, tax is payable by the manufacturer on such sale unless the registration requirements of section 4222 are met.

(c) *Acceptable form of exemption certificate.* The following form of exemption certificate will be acceptable for the purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels or aircraft (sections 4221 and 4222 of the Internal Revenue Code of 1954).)

--------------------, 19----
(Date)

The undersigned purchaser hereby certifies that he is the------------------------ (Owner, charterer, or authorized agent) --------------- of ------------------------ (Name of company and vessel) ------ and that the article or articles specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to one of the following classes of vessels to which section 4221 of the Internal Revenue Code of 1954 applies:

(Check class to which vessel belongs:)

----(1) Vessels engaged in foreign trade.

----(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.

----(3) Vessels engaged in trade between the United States and any of its possessions.

----(4) Vessels employed in the fisheries or whaling business.

----(5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the country in which the aircraft is registered --.

The undersigned understands that if the articles are used for any purpose other than as stated in this certificate, or are resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies, etc., on pleasure vessels, or on any type of aircraft except (i) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (ii) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof.

The undersigned understands that the fraudulent use of this certificate to secure exemption will subject him and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the articles and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

(Signature)

(Address)

Because the provisions of law under which these temporary regulations are prescribed apply in respect of articles sold on or after July 1, 1965, and because it is essential that rules implementing these provisions of law be in effect promptly, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1964, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 23, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12775; Filed, Nov. 29, 1965; 8:48 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6866]

PART 172—DISPOSITION OF SEIZED PERSONAL PROPERTY

Miscellaneous Amendments

In order to make certain technical and editorial changes, the regulations in 26 CFR Part 172 are amended as follows:

PARAGRAPH 1. The Table of Contents is amended to reflect the expanded headings given herein to §§ 172.1, 172.25, 172.26 and 172.59. As amended, the Table of Contents reads as follows:

Sec.
172.1 Procedures relating to personal property and carriers.

* * * * *

172.25 Personal property and carriers subject to seizure.
172.26 Forfeiture of seized personal property and carriers.

* * * * *

172.59 Sales of forfeited cigars, cigarettes, and cigarette papers and tubes.

* * * * *

PAR. 2. The heading and text of § 172.1 are revised to clearly state that carriers come within the meaning of the section. As amended, § 172.1 reads as follows:

§ 172.1 Procedures relating to personal property and carriers.

Regulations in this part shall relate to personal property and carriers seized by officers of the Internal Revenue Service as subject to forfeiture as being used, or intended to be used, as the case may be, to violate Federal laws.

PAR 3. Section 172.6 is amended to redefine the term "appraised value," and to clearly state that carriers come within the provisions of the section. As amended, § 172.6 reads as follows:

§ 172.6 Appraised value.

"Appraised value" shall mean the value placed upon seized property or carriers by the appraiser or appraisers designated for the purpose of determining whether the property or carriers may be forfeited administratively.

PAR. 4. Section 172.8 is amended to redefine the term "carrier," and to clearly state which vessels, vehicles, and aircraft seized are carriers. As amended, § 172.8 reads as follows:

§ 172.8 Carrier.

"Carrier" shall mean a vessel, vehicle or aircraft seized under title 49 U.S.C., chapter 11 for having been used to transport, carry or conceal a contraband firearm. Vessels, vehicles or aircraft seized under other provisions of applicable laws shall be considered personal property.

PAR. 5. Section 172.15 is amended to redefine the term "re-appraisal," and to clearly state that carriers come within the provisions of the section. As amended, § 172.15 reads as follows:

§ 172.15 Re-appraisal.

The term "re-appraisal" shall mean an up-to-date statutory appraisal to determine the present value of the property or carrier involved in a petition for remission or mitigation of forfeiture made in the same manner as the original appraisal, and performed at the specified request of the petitioner whose petition in regard to the property or carrier has been allowed and who, for reasonable cause, is not satisfied that the original appraisal represents the present value of the property or carrier.

PAR. 6. The heading and text of § 172.25 are revised to clearly state that carriers come within the meaning of the section. As amended, § 172.25 reads as follows:

§ 172.25 Personal property and carriers subject to seizure.

Personal property may be seized by duly authorized officers of the Internal Revenue Service for forfeiture to the United States when used or intended to be used, in violation of the internal revenue laws, and certain other laws of the United States which such officers are empowered to enforce, including title 18 U.S.C., chapters 59, 229 (liquor); title 27 U.S.C., section 206 (liquor); title 15 U.S.C., chapter 18 (firearms). Carriers, as defined in § 172.8, similarly may be seized when used or intended to be used in violation of title 49 U.S.C., chapter 11 (transportation et cetera of contraband firearms).

PAR. 7. The heading and text of § 172.26 are revised to clearly state that carriers come within the meaning of the section, and to make certain technical and editorial changes. As amended, § 172.26 reads as follows:

§ 172.26 Forfeiture of seized personal property and carriers.

(a) *Administrative forfeiture.* (1) Personal property seized as subject to forfeiture under the internal revenue laws which has an appraised value of $2,500.00 or less, and any carrier appraised by the seizing officer at $2,500.00 or less under the custom laws, shall be forfeited to the United States in administrative or summary forfeiture proceedings.

(2) In respect of personal property seized as subject to forfeiture under the internal revenue laws which, in the opinion of the seizing officer, has an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized property to be prepared and an appraisement

thereof to be made by three sworn appraisers, selected by the seizing officer, who shall be respectable and disinterested citizens of the United States residing within the internal revenue district wherein the seizure was made. Such list and appraisement shall be properly attested to by the seizing officer and such appraisers.

(3) In respect of personal property seized as subject to forfeiture under the internal revenue laws and found by the appraisers to have a value of $2,500.00 or less, the Supervisor in Charge shall publish a notice once a week for three consecutive weeks, in some newspaper of the judicial district where the seizure was made, describing the articles and stating the time, place, and cause of their seizure, and requiring any person claiming them to make such claim within 30 days from the date of the first publication of such notice.

(4) In respect of carriers seized as subject to forfeiture under the custom laws which, in the opinion of the seizing officer, have an appraised value of $2,500.00 or less, such officer shall cause a list containing a particular description of the seized carriers to be prepared and the seizing officer shall make the appraisement thereof. Such list and appraisement shall be property attested to by the seizing officer.

(5) In respect of carriers seized as subject to forfeiture under the custom laws and appraised by the seizing officer as having a value of $2,500.00 or less, the Supervisor in Charge shall publish a notice of seizure in the same manner as required by subparagraph (3) of this paragraph; provided that the time for making claim shall be within 20 days from the date of first publication. (19 U.S.C. 1608)

(6) Any person claiming the personal property or carrier so seized, within the time specified in the notice, may file with the Supervisor in Charge a claim, stating his interest in the articles or carrier seized, and may execute a bond to the United States in the penal sum of $250.00, conditioned that, in case of condemnation of the articles or carrier so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Both the claim and the cost bond should be executed in quadruplicate.

(b) *Judicial condemnation.* (1) The Regional Counsel, Internal Revenue Service, shall authorize institution of libel proceedings in those instances where the appraised value of the seized personal property or carrier exceeds $2,500.00, or where a claim and cost bond are filed as provided above.

PAR. 8. Section 172.28 is amended to correctly reflect where limitations for corporate sureties may be found. As amended, § 172.28 reads as follows:

§ 172.28 Corporate surety bonds.

Corporate surety bonds may be given only with surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, subject to the limitations prescribed by Treasury Department Circular 570, and subject to such amendments as may be issued from time to time.

(Sec. 6, 61 Stat. 648, as amended, 68A Stat. 847; 6 U.S.C. 6, 26 U.S.C. 7101)

PAR. 9. Section 172.30 is amended to clarify the administrative procedure involved. As amended, § 172.30 reads as follows:

§ 172.30 Bond for return of seized personal goods.

The proceedings to enforce forfeiture of perishable goods shall be in the nature of a proceeding in rem in the district court of the United States for the district wherein such seizure is made. Whenever such property is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the Supervisor in Charge shall advise the owner, when known, of the seizure thereof. The owner may apply to the Supervisor in Charge to have the property examined any time prior to referral of the property to the U.S. Marshal for disposition, and if in the opinion of the Supervisor in Charge, it shall be necessary to sell such property to prevent waste or expense, the Supervisor in Charge shall cause the property to be appraised. Thereupon the owner shall have the property returned to him upon giving a corporate surety bond (see § 172.28) in an amount equal to the appraised value of the property, which bond shall be conditioned to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of the appraised value to the Supervisor in Charge, the U.S. Marshal, or otherwise, as may be ordered and directed by the court, which bond shall be filed by the Supervisor in Charge with the U.S. Attorney for the district in which the proceedings may be commenced. If the owner of such property neglects or refuses to give such bond within a reasonable time considering the condition of the property the Supervisor in Charge shall request the U.S. Marshal to proceed to sell the property at public sale as soon as practicable and to pay the proceeds of sale, less reasonable costs of the seizure and sale, to the court to abide its final order, decree, or judgment.

(68A Stat. 869, 870; 26 U.S.C. 7322, 7323, 7324)

PAR. 10. Section 172.36 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.36 reads as follows:

§ 172.36 Interest claimed.

Any person claiming an interest in property, including carriers, seized by internal revenue officers as subject to administrative forfeiture may file a petition addressed to the Director, Alcohol and Tobacco Tax Division, for remission or mitigation of the forfeiture of such property.

PAR. 11. Paragraphs (a), (b), (c), (d), (e), and (g) of § 172.38 are amended to clearly state that carriers come within the meaning of this section. As amended, § 172.38 reads as follows:

§ 172.38 Contents of the petition.

(a) *Description of the property.* The petition should contain such a description of the property or carrier and such facts of the seizure as will enable the officers of the Internal Revenue Service concerned to identify the property or carrier.

(b) *Statement regarding knowledge of seizure.* In the event the petition is filed for the restoration of the proceeds derived from sale of the property or carrier pursuant to summary forfeiture, it should also contain, or be supported by, satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture, and that he was in such circumstances as prevented him from knowing of the same. (See also § 172.39.)

(c) *Interest of petitioner.* The petitioner should state in clear and concise terms the nature and amount of the present interest of the petitioner in the property or carrier, and the facts relied upon to show that the forfeiture was incurred without willful negligence or without any intention upon the part of the petitioner to defraud the revenue or to violate the law, or such other mitigating circumstances as, in the opinion of the petitioner, would justify the remission or mitigation of the forfeiture.

(d) *Petitioner innocent party.* If the petitioner is not the one who in person committed the act which caused the seizure, the petition should state how the property or carrier came into the possession of such other person, and that the petitioner had no knowledge or reason to believe, if such be the fact, that the property or carrier would be used in violation of law.

(e) *Results of investigation.* The petition should also state what investigation, if any, was made of such other person, through principal Federal, State, or local law enforcement officers, to determine whether such other person had either a record or a reputation, or both, as a liquor law violator in a case involving a seizure for violation of the internal revenue laws relating to liquor; or as a violator in the field of commercial crime in all other types of seizures. The petition should further state the information obtained from said investigation, and whether such information was received before the petitioner acquired his interest in the property or carrier, or such other person acquired his right in the property or carrier, whichever occurred later.

* * * * *

(g) *Costs.* The petition should also contain an undertaking to pay the costs, if costs are assessed as a condition of allowance of the petition. Costs shall include all the expenses incurred in seizing and storing the property or carrier; the costs borne or to be borne by the United States; the taxes, if any, payable by the petitioner or imposed in respect of the property or carrier to which the petition relates; the penalty, if any, asserted

by the Director, Alcohol and Tobacco Tax Division; and, if the property or carrier has been sold, or is in the course of being sold, the expenses so incurred.

PAR. 12. Section 172.39 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.39 reads as follows:

§ 172.39 Time of filing petition.

A petition may be filed at any time prior to the sale or other disposition of the property or carrier involved pursuant to administrative forfeiture, but a petition in regard to property or a carrier which has already been sold or otherwise disposed of pursuant to administrative forfeiture must be filed within three months from the date of sale, and must contain the proof defined in § 172.38 (b). Acquisition for official use is equivalent to sale so far as remission or mitigation of any forfeiture is concerned.

(Sec. 306, 49 Stat. 880; 40 U.S.C. 304(k))

PAR. 13. Paragraphs (a) (2) and (b) (1) of § 172.43 are amended to clearly state that carriers come within the meaning of the section, and paragraph (b) (1) is further amended to effect a change in administrative procedure. As amended paragraphs (a) (2) and (b) (1) of § 172.43 read as follows:

§ 172.43 Final action.

(a) *Petitions for remission or mitigation of forfeiture.* * * *

(2) In the case of an allowed petition, the Director, Alcohol and Tobacco Tax Division, may order the property or carrier returned to the petitioner, sold for the account of the petitioner, or pursuant to agreement, acquired for official use.

* * * * *

(b) *Offers in compromise of liability to forfeiture.* (1) The Assistant Regional Commissioner shall take final action on any offer in compromise of the liability to forfeiture of personal property, including carriers, seized as provided in § 172.25. Such action shall consist either of the acceptance or rejection of the offer.

* * * * *

PAR. 14. Section 172.44 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.44 reads as follows:

§ 172.44 Acquisition for official use and sale for account of petitioner in allowed petitions.

(a) *Acquisition for official use.* (1) The property or carrier may be purchased by the United States pursuant to agreement and retained for official use. Where the petitioner is the owner, the purchase price is the appraised value of the property or carrier less all costs. Where the petitioner is a creditor, the purchase price is whichever one of these amounts is the smaller: (i) The petitioner's equity, or (ii) the appraised value of the property or carrier less the amount of all costs.

(b) *Sale for account of petitioner.* (1) The petitioner may elect not to comply with the condition on which the property or carrier may be returned. In this event, the Supervisor in Charge is authorized to sell it. Where the petitioner is the owner of the property or carrier, there is deducted from the proceeds of the sale all costs, and the Regional Commissioner pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any. Where the petitioner is a creditor, there is deducted from the proceeds of the sale all costs, and the Regional Commissioner pays to the petitioner, out of the proper appropriation, an amount equal to the balance, if any: *Provided,* That if the amount exceeds the amount of the equity, only the latter amount is paid to the petitioner.

PAR. 15. Section 172.45 is amended to clarify the intent of the section. As amended, § 172.45 reads as follows:

§ 172.45 Re-appraisal of property involved in an allowed petition.

In determining the nature and extent of the relief to be afforded a petitioner pursuant to allowance of his petition, the value of the property or carrier involved in the allowed petition shall be considered to mean the value placed on said property or carrier pursuant to official appraisal thereof immediately following seizure: *Provided, however,* That if the petitioner desires an up-to-date re-appraisal made of the property or carrier, after notification as to the terms of allowance of the petition, and makes written request therefor, undertaking in said request to pay, or to be liable for, the total costs of such re-appraisal, the property or carrier shall be re-appraised officially in the same manner in which the original appraisal was made, and the terms and conditions of allowance shall stand modified to the extent required by such re-appraisal.

PAR. 16. Section 172.50 is amended to clarify who is entitled to compensation for rendering appraisals of seized property. As amended, § 172.50 reads as follows:

§ 172.50 Rate of compensation.

Each appraiser selected under § 172.26 (a) (2) shall receive compensation of $3.00 per day for the performance of his duties in appraising property seized as subject to forfeiture under the internal revenue laws.

(68A Stat. 870; 26 U.S.C. 7325)

PAR. 17. Section 172.55 is amended to clarify the administrative procedure involved. As amended, § 172.55 reads as follows:

§ 172.55 Alternative methods of sale.

When personal property or a carrier forfeited administratively may be sold, the Supervisor in Charge shall cause a notice of sale to be placed in a newspaper of general circulation published in the judicial district wherein the seizure was made. The sale shall not occur in less than 10 days from the date of the publication of the notice. At the discretion of the Supervisor in Charge, based upon which method in his sound judgment is most advantageous to the best interests of the United States, the forfeited personal property or carrier may be advertised for sale, and sold, at public auction to the highest bidder on open, competitive bids, or to the highest bidder on sealed, competitive bids.

(68A Stat. 870; 26 U.S.C. 7325)

PAR. 18. Section 172.57 is amended to include additional provisions relative to conditions of sale. As amended, § 172.57 reads as follows:

§ 172.57 Conditions of sale.

(a) *No recourse.* All personal property and carriers to be sold shall be offered for sale "as is" and without recourse against the United States.

(b) *No guarantee.* No guarantee or warranty, expressed or implied, shall be given or understood in respect of any forfeited property or carrier offered for sale.

(c) *No sale.* (1) The United States reserves the right to reject any and all bids received at public auction and in sealed, competitive bid sales.

(2) When "no sale" is declared for property other than cigars, cigarettes, and cigarette papers and tubes, the Supervisor in Charge shall re-advertise the property for sale.

(3) When "no sale" is declared for cigars, cigarettes, or cigarette papers or tubes, such property shall be destroyed or, if fit for human consumption, be given to a Federal or State hospital or institution.

(d) *One bid.* When only one bid is received for a single unit of property or a carrier offered at public auction or in a sealed, competitive bid sale, such bid shall be considered to be and treated as the highest bid received for that property or carrier.

PAR. 19. The heading and text of § 172.59 are amended to eliminate references to manufactured tobacco and to tobacco materials in conformity with the provisions of the Excise Tax Reduction Act of 1965. As amended, § 172.59 reads as follows:

§ 172.59 Sale of forfeited cigars, cigarettes, and cigarette papers and tubes.

All cigars, cigarettes, and cigarette papers and tubes shall be sold at a price which will include the tax due and payable thereon. Written, timely notice shall be given by the Supervisor in Charge to the manufacturer of any such forfeited articles offered for sale.

PAR. 20. Section 172.61 is amended to clearly state that carriers come within the meaning of the section. As amended, § 172.61 reads as follows:

§ 172.61 Sale on open, competitive bids.

If the personal property or carrier is to be sold at public auction to the highest bidder on open, competitive bids, the notice of sale shall so specify, and state the date, hour, and place of sale.

PAR. 21. Section 172.62 is amended to clearly state that carriers come within the meaning of the section and to make certain editorial changes. As amended, § 172.62 reads as follows:

§ 172.62 Sale on sealed, competitive bids.

If the property or carrier is to be sold to the highest bidder on sealed, competi-

tive bids, the notice of sale shall so specify, and shall state the date, hour, and place of sale, and the date, hour, and place before the sale when and where the property, including carriers, may be viewed by prospective sealed bidders, and necessary information obtained. All sealed bids must be filed with the Supervisor in Charge before the sale. No bids will be accepted after the sale starts. At the appointed date, hour, and place of sale, all sealed bids timely filed shall be opened in the presence of all bidders attending the sale, who shall have the privilege of inspecting the bids if they so desire.

PAR. 22. Section 172.65 is amended to effect a change in administrative procedure. As amended, § 172.65 reads as follows:

§ 172.65 Authority for destruction.

The Supervisor in Charge is authorized to order the destruction of any coin-operated gaming device as defined in I.R.C., section 4462(a)(2) upon which a tax is imposed by I.R.C., section 4461, after the expiration of three months from the date of consummation of administrative forfeiture under any provision of I.R.C.

Because this Treasury decision makes only certain technical and editorial changes therein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946. This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 24, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12776; Filed, Nov. 29, 1965; 8:48 a.m.]

[T.D. 6864]

PART 270—MANUFACTURE OF TOBACCO PRODUCTS

PART 275—IMPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Credit and Refund of Tax

In order to provide for credit of tax, and for refund of tax paid under section 7652 of the Internal Revenue Code, as set forth in section 5705 of the Internal Revenue Code, as amended by the Excise Tax Reduction Act of 1965, Public Law 89-44, the regulations in 26 CFR Parts 270, 275, and 285 are amended as follows:

PARAGRAPH 1. 26 CFR Part 270 is amended to provide for credit as an alternative to refund of taxes paid under Chapter 52, I.R.C., as follows:

(A) Section 270.164 is amended to read:

§ 270.164 Adjustments in the semimonthly return.

A manufacturer may make adjustments in Schedules A and B of his semimonthly tax return, Form 3071, as provided in this section. Schedule A of the return will be used where an error resulted in an underpayment of tax or where a shortage in inventory is disclosed as set forth in § 270.255. Schedule B of the return will be used where prepayment of tax has been made during the return period, or where notice has been received from the assistant regional commissioner that a claim for credit or allowance of tax has been approved. Schedule B may also be used as provided in § 270.286 where a computational error resulted in an overpayment of tax. In the case of an adjustment based on prepayment of tax, the serial number(s) of the prepayment return(s), Form 2617, shall be shown. Any adjustments made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the return in which such adjustment is made.

(68A Stat. 791, 72 Stat. 1417, as amended; 26 U.S.C. 6402, 5703)

(B) Section 270.252 is amended to read:

§ 270.252 Reduction to materials.

A manufacturer may reduce tobacco products to materials without internal revenue supervision. If the products have been entered in the factory record as manufactured or received, an entry shall be made in such record of the kind and quantity of cigars, cigarettes, or manufactured tobacco reduced to material, and of the quantity of tobacco resulting from the reduction. Where the manufacturer intends to file claim for credit, allowance, or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

(72 Stat. 1423, as amended; 26 U.S.C. 5741)

(C) Section 270.253 is amended to read:

§ 270.253 Destruction.

When a manufacturer of tobacco products desires to destroy such products which have been entered in the factory record as manufactured or received, without salvaging the tobacco materials, he shall notify the assistant regional commissioner by letter, in duplicate, of the kind and quantity of cigars, cigarettes, or manufactured tobacco to be destroyed, the intended method of destruction, and the date on which he desires to destroy such products. The assistant regional commissioner may assign an internal revenue officer to supervise destruction of the products, or he may authorize the manufacturer to destroy such products without supervision by so stating on a copy of the manufacturer's notice returned to the manufacturer. When so authorized by the assistant regional commissioner, the manufacturer shall destroy the tobacco products by burning completely or by rendering them unfit for consumption. Upon completion of the destruction, the manufacturer shall make an entry of such destruction in his factory record, and where destruction without supervision is authorized, shall record the date and method of destruction on the notice returned to him by the assistant regional commissioner, which notice the manufacturer shall retain. Where the manufacturer intends to file claim for credit, allowance, or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

(72 Stat. 1423, as amended; 26 U.S.C. 5741)

(D) Section 270.254 is amended to read:

§ 270.254 Receipt into factory.

A manufacturer of tobacco products may receive in bond into his factory any tobacco products which he is authorized under his permit to produce in that factory, and may also receive into his factory any tobacco products on which the tax has been determined (including products on which the tax has been paid). Tobacco products on which the tax has been determined which are so received shall be segregated and identified as products on which the tax has been determined. If tax determined products received into the factory are so handled that they cannot be identified both physically and in the records as tax determined products they shall be accounted for as returned to bond and upon subsequent removal shall be tax determined. Where returned tax determined tobacco products are to be repackaged without being returned to bond the manufacturer shall make application for authorization to do so to the assistant regional commissioner in accordance with § 270.217. Where the manufacturer intends to file claim for credit, allowance, or refund of tax on tax determined products he shall comply with the provisions of §§ 270.311 and 270.313.

(E) Section 270.283 is amended to read:

§ 270.283 Credit or refund of tax.

The taxes paid on tobacco products may be credited or refunded (without interest) to a manufacturer on proof satisfactory to the assistant regional commissioner that the claimant manufacturer has paid the tax on tobacco products lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer, or withdrawn by him from the market. Any claim for credit of tax under this section shall be prepared on Form 2635, in triplicate, and any claim for refund of tax under this section shall be made on Form 843,

in duplicate, and shall include a statement that the tax imposed on tobacco products by Chapter 52, I.R.C., has been paid in respect to the tobacco products covered by the claim, and that the products were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for credit or refund of tax relating to products lost or destroyed shall be supported as prescribed in § 270.301, and a claim relating to products withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 270.311 and 270.313. The original and two copies of Form 2635, claim for credit, or the original Form 843, claim for refund, shall be filed with the assistant regional commissioner for the region in which the tax was paid, or where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which the tax was paid. Upon action by the assistant regional commissioner on a claim for credit of tax he will return a copy of the Form 2635 to the manufacturer as notification of allowance or disallowance of the claim or any part thereof, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When the manufacturer is notified of allowance of the claim for credit of tax or any part thereof, he shall make an adjusting entry to the extent necessary to exhaust the credit and an explanatory statement on the next subsequent tax return(s) filed in the region in which credit was allowed. Prior to consideration and action on his claim, the manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return. The duplicate of a claim for refund of tax, with the copy of any verified supporting schedules, shall be retained by the manufacturer.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(F) Section 270.313 is amended to read:

§ 270.313 Disposition of tobacco products and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the tobacco products (and destroy the stamps, if any) as specified in the schedule. After the manufacturer has disposed of the products (and destroyed the stamps, if any), he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the products (and stamps, if any). In connection with a claim for allowance the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635, filed under § 270.-282. In connection with a claim for credit or refund the manufacturer shall attach the original of the schedule to his claim for credit, Form 2635, or claim for refund, Form 843, filed under § 270.283. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the tobacco products, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the products. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for credit or refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim filed under § 270.283.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

PAR. 2. 26 CFR Part 275 is amended to provide for refund of taxes paid on tobacco products and cigarette papers and tubes under section 7652, I.R.C., as follows:

(A) Section 275.163 is amended to read:

§ 275.163 Refund of tax.

The taxes paid on tobacco products and cigarette papers and tubes imported or brought into the United States may be refunded (without interest) to the taxpayer on proof satisfactory to the assistant regional commissioner that the taxpayer has paid the tax on tobacco products and cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such taxpayer, or withdrawn by him from the market. Any claim for refund of tax under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products and cigarette papers and tubes by Chapter 52, I.R.C., or by section 7652, I.R.C., as applicable, has been paid in respect to the articles covered in the claim, and that the articles were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed and shall be executed under the penalties of perjury. A claim for refund relating to articles lost or destroyed shall be supported as prescribed in § 275.165, and a claim relating to articles withdrawn from the market shall include a schedule prepared and verified as prescribed in §§ 275.170 and 275.171 or §§ 275.172 and 275.173. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which the tax was paid. The duplicate of the claim, with the copy of any verified supporting schedules, shall be retained by the claimant.

(68A Stat. 907, as amended, 72 Stat. 1419, as amended; 26 U.S.C. 7652, 5705)

(B) Section 275.165 is amended to read:

§ 275.165 Action by taxpayer.

Where tobacco products and cigarette papers and tubes which have been imported or brought into the United States are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to complying with the requirements of § 275.163, indicate on the claim the nature, date, place, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(C) Section 275.170 is amended to read:

§ 275.170 Destruction, action by taxpayer.

Where tobacco products and cigarette papers and tubes which have been imported or brought into the United States are withdrawn from the market and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to the requirements of § 275.163, assemble the articles at any suitable place, if they are to be destroyed. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(D) Section 275.171 is amended to read:

§ 275.171 Destruction, action by assistant regional commissioner.

Upon receipt of a schedule of tobacco products and cigarette papers and tubes which have been imported or brought into the United States and which are withdrawn from the market by a taxpayer who desires to destroy such articles, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise destruction of the articles (and stamps, if any), or the assistant regional commissioner may authorize the taxpayer to destroy the articles (and stamps, if any) without supervision by so stating on the original and one copy of the schedule returned to the taxpayer.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(E) Section 275.172 is amended to read:

§ 275.172 Return to nontaxpaid status or reduction to materials, action by taxpayer.

Where tobacco products and cigarette papers and tubes which have been imported or brought into the United States are withdrawn from the market and the taxpayer desires to file a claim for refund of the tax on such articles and return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, he shall, in addition to the requirements of § 275.163, assemble the articles in or adjacent to the factory in which such articles are to be retained

or received in a nontaxpaid status or in which the resultant tobacco materials are to be retained or received. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(F) Section 275.173 is amended to read:

§ 275.173 Return to nontaxpaid status or reduction to materials, action by assistant regional commissioner.

Upon receipt of a schedule of tobacco products and cigarette papers and tubes which have been imported or brought into the United States and which are withdrawn from the market by a taxpayer who desires to return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the articles (and destruction of the stamps, if any) or the assistant regional commissioner may authorize the receiving manufacturer to verify the schedule and disposition of the articles (and destruction of the stamps, if any) covered therein, without supervision, by so stating on the original and one copy of the schedule returned to the manufacturer. Where the receipt in a factory of tobacco products and cigarette papers and tubes has been verified, such articles shall be treated by the receiving manufacturer as nontaxpaid and shall be covered by the manufacturer's bond.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(G) Section 275.174 is amended to read:

§ 275.174 Disposition of tobacco products and cigarette papers and tubes, and schedule.

When an internal revenue officer is assigned to verify the schedule and supervise destruction or other disposition of tobacco products and cigarette papers and tubes, which have been imported or brought into the United States, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of such articles. The internal revenue officer shall return the original and one copy of the certified schedule to the taxpayer. When a taxpayer destroys such articles (and stamps, if any) or a receiving manufacturer verifies the schedule and disposition of such articles (and stamps, if any), he shall execute a certificate on the original and the copy of the schedule presented to him, to show the disposition and the date of disposition of the articles. The taxpayer shall attach the original of the certified schedule to his claim for refund.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

PAR. 3. 26 CFR Part 285 is amended by providing for credit as an alternative to refund of tax as follows:

(A) Section 285.173 is amended to read:

§ 285.173 Credit or refund.

The taxes paid on cigarette papers and tubes may be credited or refunded (without interest) to the manufacturer on proof satisfactory to the assistant regional commissioner that such manufacturer has paid the tax on cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, or withdrawn by him from the market. Any claim for credit of tax under this section shall be prepared on Form 2635, in triplicate, and any claim for refund of tax under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on cigarette papers and tubes by Chapter 52, I.R.C., has been paid in respect to the cigarette papers and tubes covered by the claim and that the cigarette papers and tubes were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for credit or a claim for refund relating to cigarette papers and tubes lost or destroyed shall be supported as prescribed in § 285.181, and a claim relating to cigarette papers and tubes withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 285.191 and 285.193. The claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid. Upon action by the assistant regional commissioner on a claim for credit of tax, he will return a copy of the Form 2635 to the manufacturer as notification of allowance or disallowance of the claim or any part thereof, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When the manufacturer is notified of allowance of the claim for credit of tax or any part thereof, he shall make an adjusting entry to the extent necessary to exhaust the credit, and an explanatory statement in the next subsequent tax return(s) filed in the region in which credit was allowed. Prior to consideration and action on his claim the manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

(B) Section 285.193 is amended to read:

§ 285.193 Disposition of cigarette papers and tubes and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer has disposed of the articles, he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635, filed under § 285.172. In connection with a claim for credit or refund, the manufacturer shall attach the original of the schedule to his claim for credit, Form 2635, or claim for refund, Form 843, filed under § 285.173. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for credit or refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim filed under § 285.173.

(72 Stat. 1419, as amended; 26 U.S.C. 5705)

Because the amendments made by this Treasury decision provide the taxpayer with an alternative method of claiming reimbursement for taxes paid on tobacco products and cigarette papers and tubes which have been lost, destroyed, or withdrawn from the market, it is found unnecessary to issue this Treasury decision with notice and public procedure under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision shall be effective October 1, 1965.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: November 22, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12716; Filed, Nov. 29, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 888a—READY RESERVE PROGRAMS FOR PERSONNEL WITHOUT PRIOR MILITARY SERVICE

A new Part 888a is added as follows:

Sec.
888a.0 Purpose.

Subpart A—Air Force Reserve Units in Training Category A

Sec.
888a.1 What this program is.
888a.2 Who may enlist.
888a.3 How to enlist.
888a.4 Active duty training.
888a.5 Participation in Reserve training.
888a.6 Action required when units are deactivated or when Reservists move from vicinity of unit.
888a.7 Release of Reservist from this program.

Subpart B—Air National Guard of the United States

888a.15 What this program is.
888a.16 Who may enlist.
888a.17 How to enlist.
888a.18 Active duty training.
888a.19 Participation in training.
888a.20 Action required when units are deactivated or when personnel move from vicinity of unit.
888a.21 Release of personnel from this program.

Subpart C—Miscellaneous Provisions

888a.30 Satisfactory participation while on active duty for training.
888a.31 Courts-martial jurisdiction.
888a.32 Retention on active duty for training.
888a.33 Hospitalization and disability.
888a.34 Leave.
888a.35 Uniforms.
888a.36 Promotion.
888a.37 Release from active duty for training.

AUTHORITY: The provisions of this Part 888a issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 45–33, June 17, 1958; AFR 45–33A, June 23, 1958; AFR 45–33B, Oct. 1, 1959; AFR 45–33C, Nov. 7, 1963; AFR 45–33D, May 14, 1964; AFR 45–33E, Oct. 14, 1964; AFR 45–33F, Jan. 28, 1965.

§ 888a.0 **Purpose.**

This part outlines administrative policies and procedures for enlistment or appointment of nonprior service personnel for the reserve components of the Air Force and subsequent active duty for training.

Subpart A—Air Force Reserve Units in Training Category A

§ 888a.1 **What this program is.**

This program provides for enlisting selected qualified applicants at least 17 but not yet 26 years old for vacancies within Training Category A units that are organized to serve on active duty as units. Persons so enlisted will be required to serve on active duty for training for at least 4 months. After completing this initial active duty for training, the airmen will return to their Air Force Reserve unit of assignment and must participate satisfactorily in Ready Reserve training for the remainder of their enlistment, unless sooner designated Standby Reservists.

§ 888a.2 **Who may enlist.**

Individuals without prior military service who are 17 but not yet 26 years old may enlist, if:

(a) They meet the requirements of AFR 45–47 (Enlistment and Reenlistment in the Air Force Reserve), and certify that they understand applicable military obligation and participation requirements. (See Attachment 1, AFR 45–33.)

(b) Before enlistment, they score at least the minimum qualifying aptitude index for the career field subdivision for which they are being considered.

(c) Vacancies for which they are qualified, exist in the Training Category A unit.

(d) They are not enrolled in high school, except that those at least 17 but not yet 18½ years old may be enlisted while enrolled in their senior year.

(e) They do not hold status as a member of any other armed service (including any Reserve component).

(f) They have not been ordered to report for induction.

§ 888a.3 **How to enlist.**

Individuals desiring to enlist under this program may apply to any Air Force Reserve Training Category A unit that is organized to serve on active duty as a unit. The Commander, Continental Air Command, will establish appropriate priorities and quotas for recruiting. The Training Category A unit must have a vacancy within its manning document and within the quota established for the unit.

(a) Applicants will be enlisted under AFR 45–47 and must be qualified as outlined therein.

(b) Enlistments will be in the grade of Basic Airmen (E–1), except that members of the Civil Air Patrol who possess a certificate of proficiency or a letter from Civil Air Patrol Headquarters indicating successful completion of the Civil Air Patrol training program may be enlisted in the grade of Airman Third Class (E–2). The notation "CAP Certificate" will be placed in item 39, DD Form 4, Enlistment Record-Armed Forces of the U.S., and will be initialed by the enlistee.

(c) Enlistment as a Reserve of the Air Force will be for 6 years.

(d) Before enlisting, individuals must agree in writing to serve on active duty for training for 4 months, or else long enough to complete basic training and any formal technical training required for their specialty, whichever period is longer.

(e) Appeal procedure: An individual who is medically and mentally qualified but who is denied enlistment in a Category A unit because of his nonselection for a quota vacancy, will be advised that he may apply to CONAC for further consideration of enlistment. In addition:

(1) The unit will assist him in preparing this request for consideration and forward it to CONAC, with an explanation of the reasons why he could not be enlisted. If the denial of enlistment is sustained, the applicant will be advised of any other local Category A units to which he may apply for enlistment, or to have his name placed on a waiting list pending a vacancy for which he is qualified.

(2) Such an applicant will be advised of his relative position on the waiting list, and be informed that he may check his status on this list when he so desires.

(3) No person making a later application will be enlisted in the unit in a position vacancy for which the unit commander determines that a prior applicant is the best qualified.

§ 888a.4 **Active duty training.**

Air Force Reserve orders, ordering Reservists to initial active duty for training, will not be issued earlier than 60 days before the date on which they must report for training. Orders will cite 10 U.S.C. 672(d).

(a) The initial active duty for training will be for a minimum period of 4 consecutive months or long enough for the Reservist to complete basic training and any other additional training required to qualify the individual in the specialty for which he enlisted. Entrance on active duty or active duty for training will be with the minimum practicable delay after enlistment. The delay shall not exceed one hundred and twenty (120) days except as follows:

(1) An individual enlisting for a position that requires a security clearance for access to, or work with, classified military information/equipment, may be delayed to the extent necessary to accomplish the required clearances.

(2) An individual with special qualifications who is enlisted to fill a position requiring highly specialized skill, for which appropriate formal training courses are offered only infrequently, may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which he has enlisted.

(3) Delay for personnel under subparagraphs (1) or (2) of this paragraph, shall not exceed a period of one year and shall not be employed for the purpose of stockpiling personnel.

(b) Nonprior service personnel enlisted under this program will be required to perform an initial active duty for training tour as follows:

(1) Personnel enlisted to fill quotas which require attendance at a technical school will be released from their tours when technical training is completed, provided they have completed at least 120 days of active duty for training.

(2) Personnel who complete technical training, but have not completed at least 120 days of active duty for training, will proceed to an appropriate unit for OJT until they complete 120 days of active duty. Upon completion, they will be released from their tours.

(c) Individuals enlisting specifically to pursue officer training programs that require enlisted status for eligibility, are not required to perform an initial period of active duty for training. Entry on active duty for enlistees in this category will be with the minimum practicable delay not to exceed 180 days.

§ 888a.5 **Participation in Reserve training.**

(a) *Before completing the initial tour of active duty for training.* An enlistee will not be permitted to participate in unit training assemblies pending entry on active duty for training. He will be

assigned to the Ineligible Reserve Section (Training Category G) of the unit for which enlisted and will remain in that category until ordered to active duty for training. When he is ordered to active duty for training, his training category will be changed to Training Category A.

(b) *After completing the initial tour of active duty for training.* After completing the initial active duty for training, the Reservist will be returned to his Air Force Reserve Training Category A unit of assignment, and

(1) Must perform all assigned duties satisfactorily;

(2) If he fails to serve satisfactorily as provided in subparagraph (1) of this paragraph, will be required to perform a 45-day tour of active duty for training with the Regular Air Force unit having custody of his field personnel record. To induce satisfactory participation, enforcement provisions will be promptly and equitably applied. Every effort will be made to encourage the effective participation of the Reservist in this program. When a Reservist has an unexcused absence, the commander, at the earliest practicable date, will inform him that unexcused absences in excess of 10 percent of the inactive duty training requirement will be cause for invoking the 45-day active duty for training tour. A person who fails to participate satisfactorily and who is recommended for the 45-day special tour will be reported to the Commander, Continental Air Command, for approval of such action. This approval authority may not be delegated.

(c) *Use of 45-day special tour.* The 45-day special tour will be invoked only once to induce satisfactory participation. If an individual fails for a second time to participate satisfactorily he will be reported.

§ 888a.6 Action required when units are deactivated or when Reservists move from vicinity of unit.

There will be instances where individuals will move from the vicinity of their unit of assignment or where the unit of assignment is deactivated. In these cases, Reservists enlisted under this program will:

(a) Be assigned to another Training Category A unit, or,

(b) Be enrolled in the Air Force ROTC if attending an appropriate educational institution, or,

(c) If possible, be enlisted in the Air National Guard of the United States, or,

(d) If an assignment as provided in paragraph (a), (b), or (c) of this section is not available, be assigned by Continental Air Command to a Mobilization Assignment Reserve Section (Training Category A—Pay Group A—for personnel on flying status) (Training Category B—Pay Group B—for personnel not on flying status) of a major air command, or,

(e) If no assignment, as provided in paragraph (a), (b), (c), or (d) of this section is available, be assigned to a Mobilization Assignment Reserve Section (Training Category H—Pay Group E) of a major air command and be required to perform 30 days active duty for training each year with their unit of assignment.

(f) If no assignment is available, the individual will be assigned to the Ineligible Reserve Section (IRS), ARRC.

§ 888a.7 Release of Reservist from this program.

(a) *During the initial period of active duty for training.* Reservists in this program may enlist in the Regular Air Force and will be encouraged to do so. Personnel who volunteer for enlistment will be treated in the same manner as Reservists not on extended active duty.

(b) *After the initial period of active duty for training.* (1) Reservists who are not on active duty for training may enlist in the Regular Air Force under the condition outlined in paragraph (a) of this section.

(2) Reservists may be granted a conditional release to enlist in a Regular or Reserve component of another armed service in accordance with AFR 45-35 (Military Service Obligations and Transfer Between the Armed Services and Between Reserve Components of the Air Force).

(3) Reservists may be granted a conditional release to enlist in the Air National Guard of the United States.

Subpart B—Air National Guard of the United States

§ 888a.15 What this program is.

This program provides for enlisting and training qualified nonprior service personnel who are at least 17 but not yet 36 years of age for vacancies within units of the Air National Guard of the United States. All enlistments hereunder will be contingent upon agreement of the individuals to perform an initial period of active duty for training as prescribed for the applicable age group. Enlistments in the Air National Guard of the United States of nonprior service personnel will not be accepted other than as a part of this program.

§ 888a.16 Who may enlist.

Individuals without prior military service who are 17 but not yet 36 years of age may enlist if:

(a) They meet the physical, mental, moral, and general qualifications prescribed by Air National Guard Regulations, and are otherwise acceptable to the adjutant general of the State in which enlistment is contemplated.

(b) They certify that they understand the applicable military obligation and participation and training requirements applicable to their age group. (See Attachment 2, AFR 45-33.)

(c) Appropriate vacancies exist in the unit.

(d) They have not been ordered to report for induction.

§ 888a.17 How to enlist.

Individuals desiring to enlist under this program may apply to the adjutant general of any State, District of Columbia, or the Commonwealth of Puerto Rico, or the commander of any Air National Guard unit.

(a) Applicants will be enlisted as provided in the appropriate Air National Guard Regulation.

(b) Enlistments will be in the grade of Basic Airman (E-1), except that a member of the Civil Air Patrol who possesses a certificate of proficiency or a letter from Civil Air Patrol Headquarters, indicating successful completion of the Civil Air Patrol training program may be enlisted in the grade of Airman Third Class (E-2). The notation "CAP Certificate" will be placed in item 39, DD 4, and will be initialed by the enlistee.

(c) Before enlisting, the individual must agree in writing to serve on active duty for training for a minimum of 4 months, or longer if necessary in order to complete the basic technical training applicable to the specialty for which he is being enlisted.

(d) The period of enlistment will be for 6 years. Individuals who enlist before becoming 26 years of age will be transferred to the Air Force Reserve upon expiration of the 3-year enlistment for completion of service obligation unless they voluntarily reenlist for an additional 3 years.

§ 888a.18 Active duty training.

(a) All nonprior service enlistees will be ordered to active duty for training in federal status under the provisions of 10 U.S.C. 672(d), with the consent of the governor or other appropriate authority of the State, Puerto Rico or District of Columbia, for a minimum period of 4 months, or such additional period as may be required to complete the basic technical training appropriate to the specialty for which being enlisted. Enlistees must enter such training within 120 days after enlistment, except in the following instances, in which delay not to exceed 1 year from date of enlistment, is authorized:

(1) An individual who is enlisted for a position requiring a security clearance for access to, or work with, classified military information/equipment may be delayed to the extent necessary to accomplish the required clearances.

(2) An individual with special qualifications who is enlisted to fill a position requiring highly specialized skill, for which appropriate formal training courses are offered only infrequently, may be delayed to the extent necessary to insure that the enlistee pursues the proper course commensurate with his qualifications and the requirements of the position for which enlisted.

(b) The training program consists of basic military training followed by one of the following until a total of four months active duty has been completed:

(1) Basic technical training.

(2) On-the-job training at the individual's home station or at the nearest military installation having on-the-job training capability in the appropriate AFSC. This training will be utilized only for those individuals who are qualified at the time of enlistment for award of an AFSC at the semi-skilled level, or for those individuals enlisted against an

AFSC for which no technical training is available.

(3) A combination of technical and on-the-job training.

(c) Upon completion of or elimination from prescribed active duty training, the individual will be returned to home station. Curtailment or extension of his training will be in accord with § 888a.32 or § 888a.38, as appropriate.

(1) He will concurrently be relieved from active duty if:

(i) He has completed 4 months active duty training.

(ii) Has not completed 4 months active duty but is being eliminated for cause or medical reasons.

(iii) Is being eliminated for any reason and has not completed Basic Military Training.

(2) He will be returned to home station without being relieved from active duty training if he has completed less than 4 months, but has completed Basic Military Training, and is eliminated for other than cause or medical reasons. Such individual will be further evaluated by the appropriate authority within his State. If a requirement exists in the unit for which he can be trained through on-the-job training and the State desires to retain him, he will be continued on active duty training at home station for completion of the 4 months minimum training requirements.

(d) Individuals enlisting specifically to pursue officer training programs that require enlisted status for eligibility are not required to perform an initial period of active duty for training. Entry on active duty for enlistees in this category will be with the minimum practicable delay not to exceed 180 days.

§ 888a.19 Participation in training.

Satisfactory participation of individuals in all age groups consists of the performance of at least 48 scheduled drills and 15 days of active duty for training (field training) annually, unless excused therefrom by proper authority.

§ 888a.20 Action required when units are deactivated or when personnel move from vicinity of unit.

There will be instances where individuals will move from the vicinity of their unit of assignment or where the unit of assignment is deactivated. In these cases, Reservists enlisted under this program will:

(a) If possible, be enlisted in another unit of the Air National Guard of the United States, or,

(b) Be discharged from the Air National Guard and transferred to the Air Force Reserve to be assigned to a Training Category A unit, or,

(c) Be enrolled in Air Force ROTC if attending an appropriate educational institution, or,

(d) If an assignment as provided in paragraphs (a), (b), or (c) of this section is not available, be discharged from the Air National Guard and transferred to the Air Force Reserve to be assigned to a Mobilization Assignment Reserve Section (Training Category A—Pay Group A—for personnel on flying status) (Training Category B—Pay Group B—for personnel not on flying status) of a major air command, or,

(e) If no assignment, as provided in paragraphs (a), (b), (c) or (d) of this section is available, be discharged from the Air National Guard and transferred to the Air Force Reserve to be assigned to a Mobilization Assignment Reserve Section (Training Category H—Pay Group E) of a major air command and be required to perform 30 days active duty for training each year with their unit of assignment.

(f) If no assignment is available, the individual will be discharged from the Air National Guard and transferred to the Air Force Reserve to be designated a Standby Reservist.

§ 888a.21 Release of personnel from this program.

(a) *During the initial period of active duty for training.* Personnel will not be granted conditional releases to enlist in any other component (including Regular Air Force or Air Force Reserve) of the armed forces while serving on active duty for training.

(b) *After the initial period of active duty for training.* The commander of the unit of assignment, within prescribed policy on releases for this purpose, may permit the conditional release of airmen.

Subpart C—Miscellaneous Provisions

§ 888a.30 Satisfactory participation while on active duty for training.

Individuals ordered to active duty for training under this part are required to perform duty and training in a satisfactory manner. If, while on this duty, an individual commits an offense which the commander of the unit of attachment determines to be of sufficient significance to warrant a finding of unsatisfactory participation a complete, fully documented report, together with a medical evaluation if applicable, will be forwarded to the Commander, Continental Air Command (for members of the Air Force Reserve) or to the adjutant general of the appropriate State, or the District of Columbia (for members of the ANGUS). Unless the commander having courts-martial jurisdiction desires to exercise his prerogative under the Uniform Code of Military Justice or unless administrative board action is considered appropriate under AFRs 45–40 (Discharge of Officers of the AFRes by Reason of Misconduct or Inefficiency), 45–41 (Administrative Separation of Officer Members of the Air Force Reserve), or 45–43 (Administrative Discharge of Airmen Members of the Air Force Reserve), the commander of the unit of attachment will issue orders relieving the individual from attachment and order him to proceed to address of entry on active duty for training at which time he will revert to inactive duty. Nothing in this section is to be construed as limiting the provisions of § 888a.31. Commanders referred to in § 888a.31 will take expeditious action in accordance with the Uniform Code of Military Justice when appropriate.

(a) Typical, but not all-inclusive, reasons for a finding of unsatisfactory participation are:

(1) Failure to comply with active duty for training orders,

(2) Absence without leave,

(3) Failing any training course when such failure is within the control of the individual concerned,

(4) Determination that discharge action is appropriate under AFRs 45–40, 45–41, or 45–43 (see paragraph (b) of this section),

(5) Conviction by courts-martial.

(6) Lost time, unless made up with the approval of the Commander, Continental Air Command (for members of the Air Force Reserve), or the adjutant general of the appropriate State, or the District of Columbia (for members of the ANGUS).

(b) Individuals who enter on active duty for training under Subpart A of this part and on whom administrative board action is considered appropriate under AFRs 45–40, 45–41, or 45–43 will not be released from active duty for training by the unit of attachment but will be disposed of as provided in subparagraphs (1) and (2) of this paragraph. An individual enlisted as outlined in Subpart B of this part will be released from attachment and ordered to proceed to address of entry on active duty for training at which time he will revert to inactive duty.

(1) Those individuals enlisted as outlined in Subpart A of this part will be ordered to proceed to their unit of assignment for further duty.

(c) An individual may be relieved from active duty for training because of personal hardship under the criteria outlined in AFR 39–13 (Separation—Dependency or Hardship). If so relieved the reservist will be ordered to proceed to the place from which he entered on active duty for training and upon arrival there he will revert to his inactive duty assignment.

§ 888a.31 Courts-martial jurisdiction.

Individuals ordered to active duty for training under this part are attached to Regular Air Force organizations for all matters pertaining to military justice, including courts-martial jurisdiction and imposition of punishment under Article 15, Uniform Code of Military Justice.

§ 888a.32 Retention on active duty for training.

Members of Reserve components will serve the specified period of active duty for training unless sooner relieved for cause or unless extended under this section. Major air commanders are authorized to retain individuals on active duty for training under circumstances as indicated in this section.

(a) Individuals may be retained on active duty for training:

(1) To permit reservists who have washed-back in training through no fault of their own to continue in training, if such is recommended.

(2) To make up lost time.

(3) When such retention is deemed appropriate by the commander concerned for reasons not covered in subparagraphs (1) and (2) of this paragraph.

(b) When any individual is retained beyond the specified date of completion of his tour, appropriate orders announcing the extension will be issued and copies furnished the Air Force Reserve or Air National Guard unit of assignment; if he is a member of the Air National Guard, copies of the order will also be furnished the State Adjutant General concerned.

(c) The actions prescribed in § 888a.38 will be accomplished when the individual completes the tour of active duty for training or any extension thereof.

§ 888a.33 Hospitalization and disability.

A person on active duty for training, as outlined in this part, is entitled to the same medical care during such specified period of duty, as an individual of the Regular Air Force. If the member is ordered to active duty on orders which do not specify a period of 30 days or less, his dependents would be eligible for dependents' medical care as provided in AFR 168-9 (Dependents' Medical Care) and other applicable directives. He is entitled to pay and allowances while undergoing medical treatment and/or hospitalization, including processing, after the expiration of his tour of active duty for training. Chapter 8, AFM 35-4, November 12, 1963 (Physical Evaluation for Retention, Retirement, and Separation), applies to individuals on active duty for training who may be unfit to perform the duties of their grade because of physical or mental conditions.

§ 888a.34 Leave.

Personnel may be granted leave under the same conditions as members of the Regular Air Force. All leave must be taken during the active duty for training. This tour will not be increased to accommodate leaves granted. Reservists will be compensated for any portion of accrued leave which is not taken during the active duty for training tour.

§ 888a.35 Uniforms.

(a) *Air Force Reserve airmen.* The Basic Indoctrination Center will issue specified items for male airmen with the exception of Cap, flight, blue, which will be issued only if Cap, service, blue, is not available. This clothing will be charged to Reserve personnel appropriations.

(b) *Members of the Air National Guard of the United States.* Uniform items will be issued as prescribed.

§ 888a.36 Promotion.

An airman ordered to active duty for training in the grade of Airman Basic (E-1) will be promoted to the permanent grade of Airman Third Class (E-2) upon completion of basic military training or 8 weeks of active duty in current enlistment, whichever occurs first, unless compelling military reasons prohibit such promotion. The 8 weeks will be computed from date of entry on active duty for training. The airman's date of rank and effective date of promotion will be the date of the promotion orders, except that an airman may be promoted on orders that specify a later effective date (but not later than the date of release from active duty for training).

(a) When the airman completes the minimum promotion service, the commander of the active duty organization to which the airman is attached for training will issue promotion orders.

(b) If there is reason for not promoting the Reservist he will be notified immediately and the reason for denying the promotion will be fully explained.

§ 888a.37 Release from active duty for training.

(a) DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," will be issued to each individual who is ordered to active duty for training under this part.

(b) In addition to paragraph (a) of this section, when an individual is released from active duty for training for any reason (i.e. early release for cause, normal termination of tour, etc.) the unit of attachment will issue appropriate orders.

(1) Such orders will provide that the individual is relieved from attachment and that, upon his return to the address of entry on active duty for training, he will revert to his inactive duty assignment.

(2) The individual will receive complete separation processing, including physical examination, by the unit of attachment that terminates his tour of active duty for training.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65-12742; Filed, Nov. 29, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2212]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

CANALS, DITCHES, AND RESERVOIRS FOR IRRIGATION

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statute 2478 (43 U.S.C. 1201), 43 CFR Subpart 2234 is amended as set forth below.

The purpose of this amendment is to limit the availability of rights-of-way over and across Federal lands for the purpose of bringing new lands into agricultural development in view of the inadequacy of the water supply available from the Colorado River to meet long-term needs in California and the fact that existing agricultural uses of Colorado River water in California crowd or exceed the 3,850,000 acre-feet of Colorado River water embraced in the three California agricultural priorities under the Seven Party California-Colorado River water agreement.

The amendment provides that no rights-of-way for canals and ditches for irrigation purposes under the Act of March 3, 1891, as amended, will be allowed over federally owned lands in Imperial and Riverside Counties, Calif., where the Colorado River is the source of the water supply.

Since this regulation relates to public property of the United States, it is exempt from the rulemaking requirement of section 4 of the Administrative Procedure Act (60 Stat. 237). Although it is nevertheless customary for the Department of the Interior to publish its rules in proposed form, the public interest requires that this regulation become effective immediately upon publication in the FEDERAL REGISTER.

1. Section 2234.3-1 is amended by adding a new paragraph as follows:

§ 2234.3-1 For Irrigation (Act of March 3, 1891, as amended).

* * * * *

(d) *Rights-of-way not allowed on certain lands.* (1) In *Hugh S. Ritter, Thomas M. Bunn* (A-30415), decided February 24, 1965, the Under Secretary of the Interior ruled that "it would be contrary to the public interest at this time to increase the pressure on the inadequate water supply available for use in California from the Colorado River by classifying * * * public lands as available for disposition under the desert land law." The lands referred to were in Imperial and Riverside Counties, Calif.

(2) For the reasons stated in the Ritter-Bunn decision, supra, it is contrary to the public interest to permit the use of federally owned lands within Imperial and Riverside Counties for the construction of canals and ditches in order to effect agricultural reclamation with water from the Colorado River of desert lands in those counties. Therefore, no applications for rights-of-way for this purpose under the provisions of the Act of March 3, 1891, as amended, will be allowed or permitted on federally owned lands within Imperial and Riverside Counties, Calif., unless the applicant shows that the water to be carried is from a source other than the Colorado River.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 26, 1965.

[F.R. Doc. 65-12831; Filed, Nov. 29, 1965; 8:50 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3875]

[Sacramento 079635, 079710]

CALIFORNIA

Addition to the Six Rivers and Shasta-Trinity National Forests

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43

U.S.C. 315g-1), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights the following-described lands, acquired in exchanges made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the national forest indicated and hereafter the lands shall be subject to all laws and regulations applicable to said national forests:

HUMBOLDT MERIDIAN

SIX RIVERS NATIONAL FOREST

T. 2 S., R. 6 E.,
Sec. 36, lot 14.
T. 3 S., R. 7 E.,
Sec. 16, SW¼NE¼, and SE¼SW¼.

MOUNT DIABLO MERIDIAN

SHASTA-TRINITY NATIONAL FOREST

T. 38 N., R. 9 W.,
Sec. 36, W½SW¼.
T. 36 N., R. 10 W.,
Sec. 36, W½SE¼SW¼.

The areas described aggregate approximately 205 acres in Trinity County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12756; Filed, Nov. 29, 1965; 8:46 a.m.]

[Public Land Order 3876]

[Montana 070488]

MONTANA

Withdrawal for Tiber Reservoir, Lower Marias Unit (Missouri River Basin Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Title 30, U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Tiber Reservoir:

PRINCIPAL MERIDIAN

T. 30 N., R. 1 E.,
Sec. 15, NE¼SE¼.
T. 30 N., R. 2 E.,
Sec. 24, SW¼SE¼.
T. 30 N., R. 3 E.,
Sec. 11, NE¼SW¼;
Sec. 20, SW¼SE¼;
Sec. 26, E½SW¼;
Sec. 30, NE¼NE¼.
T. 30 N., R. 4 E.,
Sec. 11, NE¼NE¼;
Sec. 18, NE¼SE¼.
T. 31 N., R. 4 E.,
Sec. 35, NE¼NW¼ and SE¼SW¼.

The areas described aggregate approximately 440 acres in Toole and Liberty Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12757; Filed, Nov. 29, 1965; 8:46 a.m.]

[Public Land Order 3877]

[Riverside 06779]

CALIFORNIA

Powersite Cancellation No. 224; Partial Cancellation of Powersite Classification No. 80

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133Z-15, note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-1057-California, it is ordered as follows:

1. The Departmental Order of July 7, 1924, creating Power Site Classification No. 80, is hereby cancelled so far as it affects the following described lands:

LOS PADRES NATIONAL FOREST

SAN BERNARDINO MERIDIAN

T. 7 N., R. 18 W.,
Sec. 21, SW¼NE¼.

The area described contains approximately 40 acres.

The lands are within the drainage of Piru Creek, an intermittent stream, tributary to the Santa Clara River, and are within the Los Padres National Forest.

2. At 10 a.m. on December 29, 1965 the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12758; Filed, Nov. 29, 1965; 8:46 a.m.]

[Public Land Order 3878]

[Arizona 033228]

ARIZONA

Revocation of National Forest Administrative Site and Recreation Areas

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

The departmental and public land orders hereafter named, so far as they withdraw the following described national forest lands as administrative sites and recreation areas are hereby revoked:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

a. The departmental order of December 13, 1907 (Honeymoon Ranger Station).

T. 2 N., R. 28 E. (unsurveyed),
Sec. 30, in SE¼;
Sec. 31, in NE¼;
Sec. 32, in NW¼.

Containing approximately 78.85 acres.

b. The Departmental Order of January 11, 1908 (Nutrioso Administrative Site).

T. 6 N., R. 30 E.,
Sec 6, lots 3 and 4.

Containing approximately 78.48 acres.

c. The Departmental Order of April 18, 1908 (Blue River Administrative Site).

T. 3 N., R. 31 E.,
Sec. 1, lot 3, SE¼NW¼, and N½SW¼.

d. The Departmental Order of November 23, 1906.

T. 4 N., R. 31 E.,
Sec. 36, SE¼SW¼.

Containing approximately 200.37 acres.

e. The Departmental Order of November 10, 1908 (Campbell Blue Administrative Site).

T. 4 N., R. 31 E.,
Sec. 3, W½NW¼ (unsurveyed).

Containing approximately 80.00 acres.

f. The Departmental Order of December 14, 1907 (ELC Administrative Site).

T. 6 N., R. 31 E.,
Sec. 15, S½N½.

Containing approximately 160.00 acres.

g. The Departmental Order of October 13, 1908 (Bob Cat Administrative Site).

T. 4 N., R. 32 E.,
Sec. 5, in SE¼.

Containing approximately 42.00 acres.

The areas described aggregate approximately 639.70 acres in the Apache National Forest.

CORONADO NATIONAL FOREST

h. The Departmental Order of November 19, 1908 (Happy Valley Administrative Site).

T. 15 S., R. 18 E.,
Sec. 1, SW¼SE¼;
Sec. 12, N½NW¼NE¼.

Containing approximately 60.00 acres.

i. The Departmental Order of April 2, 1908 (Canelo Administrative Site).

T. 22 S., R. 18 E.,
Sec. 4, lots 5 and 8, S½N½NE¼, W½SW¼NE¼, and SE¼ NE¼.

Containing approximately 120.33 acres.

j. Public Land Order 1080 of February 28, 1955 (Deer Creek Administrative Site).

T. 9 S., R. 20 E.,
Sec. 10, NE¼NE¼, N½S½NE¼, N½S½SE¼NE¼, S½SE¼SE¼NE¼, SE¼SW¼SE¼NE¼, N½SE¼SW¼NE¼, SW¼SW¼NE¼, W½NW¼SE¼, S½SE¼NW¼SE¼, E½W½NE¼SE¼, and SW¼SW¼NE¼SE¼ (unsurveyed).
Sec. 11, N½NW¼ (surveyed).

Containing approximately 230.00 acres.

k. Public Land Order 1810 of February 27, 1959 (Miller Canyon Recreation Area).

T. 23 S., R. 20 E.,
Sec. 23, E½SW¼NW¼SE¼, SE¼NW¼SE¼, W½SW¼NE¼SE¼, E½W½SW¼SE¼, E½SW¼SE¼, and W½W½SE¼SE¼.

Containing approximately 60.00 acres.

l. The Departmental Order of October 11, 1907 (Cochise Administrative Site).

T. 17 S., R. 23 E.,
Sec. 24. E½NW¼.

Containing approximately 80.00 acres.

m. The Departmental Orders of January 9, 1907 and October 26, 1908 (Rucker Administrative Site).

T. 19 S., R. 29 E. (unsurveyed),
Sec. 23, SE¼NE¼, (order of January 9, 1907);
Sec. 23, NE¼NE¼, NW¼NE¼, N½N½SW¼NE¼, N½S½N½SW¼NE¼, SE¼SE¼NE¼SW¼NE¼, SW¼SE¼NW¼SW¼NE¼, S½SW¼NW¼SW¼NE¼, W½SW¼SW¼NE¼, W½E½SW¼SW¼NE¼, SE¼SE¼SW¼SW¼NE¼, S½S½SE¼SW¼NE¼, E½NE¼SE¼SW¼NE¼, and NE¼SE¼SE¼SW¼NE¼. (Order of October 26, 1908.)

Containing approximately 150.00 acres.

n. The Public Land Order 1080 of February 28, 1955 (Turkey Creek Administrative Site).

T. 18 S., R. 29 E.,
Sec. 13, SW¼NE¼, SE¼NW¼ NE¼SW¼, E½NW¼SE¼, N½NW¼NW¼SE¼, and S½SW¼NW¼SE¼.

Containing approximately 150.00 acres.

o. The Departmental Order of October 26, 1908 (Barfoot Administrative Site).

T. 17 S., R. 30 E. (unsurveyed),
In sec. 27;
In sec. 34.

Containing approximately 58.00 acres.

p. Public Land Order 1080 of February 28, 1955 (Barfoot Park Administrative Site).

T. 17 S., R. 30 E.,
Sec. 28, SW¼.

Containing approximately 160.00 acres.

q. Public Land Order 1080 of February 28, 1955 (Portal Administrative Site).

T. 17 S., R. 31 E.,
Sec. 34, SW¼NE¼, SE¼NW¼, NE¼NW¼SE¼, and E½ SE¼NW¼SE¼.

r. The Departmental Order of November 19, 1908 (Portal Administrative Site—continued).

T. 17 S., R. 31 E.,
Sec. 34, NE¼SW¼, NW¼NW¼SE¼, and W½SW¼NW¼SE¼.

s. The Departmental Order of August 27, 1908 (Portal Administrative Site—continued).

T. 17 S., R. 31 E.,
Sec. 33, S½SE¼NE¼, NE¼SE¼, and N½SE¼SE¼;
Sec. 34, SW¼NW¼, W½SW¼, W½SE¼SW¼, W½E½SE¼SW¼, SE¼SE¼SE¼SW¼, and S½SW¼SW¼SE¼.

Containing approximately 387.50 acres.

The areas described aggregate approximately 1,455.83 acres in the Coronado National Forest.

KAIBAB NATIONAL FOREST

t. The Departmental Order of October 15, 1907 (Anita Administrative Site).

T. 29 N., R. 1 E.,
Sec. 24, S½NE¼ and N½SE¼.

Containing approximately 160.00 acres.

u. The Departmental Order of October 26, 1908 (Quaking Aspen Administrative Site).

T. 35 N., R. 1 E.,
In sec. 34 (unsurveyed);
In sec. 35 (unsurveyed).

Containing approximately 290.00 acres.

v. The Departmental Order of July 10, 1908 (VT Administrative Site).

T. 35 N., R. 3 E.,
In sec. 30 (unsurveyed).

Containing approximately 247.60 acres.

w. The Departmental Order of August 12, 1908 (Challander Administrative Site).

T. 22 N., R. 3 E.,
Sec. 25, S½SW¼SW¼;
Sec. 26, SE¼SE¼.

Containing approximately 80.00 acres.

x. The Departmental Order of April 15, 1908 (Red Butte Administrative Site).

T. 28 N., R. 3 E.,
Sec. 7, SE¼.

Containing approximately 160.00 acres.

y. The Departmental Order of June 30, 1908 (South Canyon Administrative Site).

T. 35 N., R. 4 E.,
In sec. 3 (unsurveyed).

Containing approximately 80.00 acres.

z. The Departmental Order of June 29, 1908 (Little Spring Administrative Site).

T. 37 N., R. 3 W.,
In sec. 22 (unsurveyed).

Containing approximately 60.00 acres.

The areas described aggregate approximately 1,057.60 acres in the Kaibab National Forest.

PRESCOTT NATIONAL FOREST

aa. Public Land Order 1556 of November 19, 1957 (Yaeger Canyon Administrative Site).

T. 15 N., R. 2 E.,
Sec. 17, S½NW¼, S½NW¼NW¼, SW¼NE¼NW¼, S½SW¼NE¼, NW¼SW¼NE¼, SW¼SE¼NE¼, SE¼ and N½N½SW¼;
Sec. 18, SE¼NW¼, S½SW¼NW¼, NE¼SW¼NW¼, S½NE¼, S½N½NE¼, N½N½SE¼, NE¼SW¼, N½NW¼SW¼, and SE¼NW¼SW¼;
Sec. 20, N½N½NE¼.

Containing approximately 690.00 acres.

bb. Public Land Order 1556 of November 19, 1957 (Government Spring Recreation Area).

T. 12 N., R. 3 E.,
Sec. 3, lot 3.
T. 13 N., R. 3 E.,
Sec. 33, lots 11 and 14.

Containing approximately 116.60 acres.

cc. Public Land Order 1556 of November 19, 1957 (Johnson Wash Ranger Station).

T. 14 N., R. 3 E.,
Sec. 33, lots 1, 2, and 3, S½NW¼SE¼, S½NE¼SW¼, and SE¼NW¼SW¼.

Containing approximately 132.05 acres.

dd. Public Land Order 1556 of November 19, 1957 (Drake Administrative Site).

T. 19 N., R. 1 W.,
Sec. 32, NE¼ and E½SE¼.

Containing approximately 240.00 acres.

ee. Public Land Order 1556 of November 19, 1957 (Hyde Mountain Lookout).

T. 17 N., R. 6 W.,
Sec. 20, N½SW¼SE¼;
Sec. 29, S½NW¼NE¼.

Containing approximately 40.00 acres.

The areas described aggregate approximately 1,218.65 acres in the Prescott National Forest.

SITGREANES NATIONAL FOREST

ff. Public Land Order 1176 of June 27, 1955 (Mackay Administrative Site).

T. 9 N., R. 25 E.,
Sec. 7, NE¼.

Containing approximately 160.00 acres.

The area described aggregates approximately 160.00 acres in the Sitgreaves National Forest.

TONTO NATIONAL FOREST

gg. Public Land Order 1545 of November 6, 1957 (Sunflower Administrative Site).

T. 6 N., R. 9 E.,
Sec. 5, lot 8 and SW¼NW¼;
Sec. 6, lot 15, SE¼SW¼, and NW¼SE¼.
T. 7 N., R. 9 E.,
Sec. 31, lots 1, 2, 3, and 4, E½W½, and S½SE¼;
Sec. 32, SW¼SW¼.

Containing approximately 631.94 acres.

hh. The Departmental Order of June 30, 1908 (Payson Administrative Site).

T. 10 N., R. 10 E.,
Sec. 8, E½SE¼NE¼ and SE¼NE¼NE¼;
Sec. 9, W½SW¼NW¼.

Containing approximately 50.00 acres.

ii. The Departmental Order of May 12, 1908 (Reynolds Creek Ranger Station).

T. 6 N., R. 13 E.,
In sec. 12 (unsurveyed).

Containing approximately 60.00 acres.

jj. The Departmental Order of April 20, 1908 (Pleasant Valley Administrative Site).

T. 9 N., R. 14 E.,
Sec. 29, E½SW¼SW¼NW¼, S½SE¼SW¼NW¼, E½NW¼SW¼, E½NW¼NW¼SW¼, E½SW¼SW¼, and SW¼SW¼SW¼;
Sec. 30, SE¼SE¼NE¼, NE¼NE¼SE¼, W½SE¼NE¼SE¼, W½NE¼SE¼SE¼, and SE¼SE¼SE¼.

Containing approximately 105.00 acres.

kk. The departmental order of November 28, 1906 (Ranger Station No. 3 (Old Pinal Ranger Station)).

T. 1 S., R. 15 E.,
Sec. 34, S½SW¼.

Containing approximately 80.00 acres.

The areas described aggregate approximately 926.94 acres in the Tonto National Forest.

The total areas described aggregate approximately 5,458.72 acres, in Apache, Cochise, Coconino, Gila, Graham, Green-

lee, Maricopa, Pima, Santa Cruz, and Yavapai Counties.

At 10 a.m. on December 29, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12759; Filed, Nov. 29, 1965; 8:47 a.m.]

[Public Land Order 3879]

[Idaho 015359]

IDAHO

Withdrawal for National Forest Administrative Sites

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

1. Subject to valid existing rights, the following described lands in the Coeur d'Alene National Forest are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), for recreation areas for the Department of Agriculture:

BOISE MERIDIAN

LAKE ELSIE—FRENCH LAKE RECREATION AREA

T. 47 N., R. 3 E.,
Sec. 12, S½NE¼SE¼SW¼, SE¼NW¼SE¼SW¼, S½SE¼SW¼, SW¼NW¼SW¼SE¼, and SW¼SW¼SE¼;
Sec. 13, SW¼NE¼NW¼NE¼, NW¼NW¼NE¼, N½SW¼NW¼NE¼, SE¼NW¼NE¼, N½NE¼NW¼, N½S½NE¼NW¼, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, and NW¼NW¼SE¼NW¼.
T. 47 N., R. 4 E.,
Sec. 18, SW¼ of lot 1 and W½SE¼ of lot 1.

THE CEDARS CAMPGROUND

T. 47 N., R. 3 E.,
Sec. 4, SW¼NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, E½SW¼SE¼SE¼, and SE¼SE¼SE¼.

The areas described aggregate approximately 141 acres in Shoshone County.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12760; Filed, Nov. 29, 1965; 8:47 a.m.]

[Public Land Order 3880]

[Montana 071430 (SD)]

SOUTH DAKOTA

Partial Revocation of Public Land Order 2001

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

Public Land Order No. 2001 of October 1, 1959, withdrawing lands as a site for construction of a monument is hereby revoked so far as it affects the following described land:

BLACK HILLS NATIONAL FOREST

BLACK HILLS MERIDIAN

"Christ on the Mountain" Monument

T. 6 N., R. 2 E.,
Sec. 34, E½ of lot 13 (now lot 16).

Containing 19.34 acres.

The revocation made by this order is to assist in a Federal land program, i.e., for a Forest Service land exchange in the Black Hills National Forest. It is, therefore, not subject to the provisions of R.S. 2276, as amended (43 U.S.C. 852).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 23, 1965.

[F.R. Doc. 65-12761; Filed, Nov. 29, 1965; 8:47 a.m.]

[Public Land Order 3881]

[Anchorage 063178]

ALASKA

Partial Revocation of Executive Order No. 3406 of February 13, 1921

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

1. Executive Order No. 3406 of February 13, 1921, which withdrew public lands in Alaska for lighthouse purposes, is hereby revoked so far as it affects the following lands:

RESURRECTION BAY, ALASKA

Rugged Island, including all adjacent islets and rocks, situate at approximate longitude 149°22' W., latitude 59°51' N.;
Hive Island, situate at approximate longitude 149°21'06" W., latitude 59°53' 24" N.
Barwell Island, situate at approximate longitude 149°17' W., latitude 59°51'30" N.

The areas described aggregate approximately 896 acres.

The lands are comprised of three islands and adjacent islets and rocks located at the foot of Resurrection Bay, approximately 15 miles south of the town of Seward. The islands rise steeply from the waters of the bay. Stands of mature Sitka spruce grow on the sheltered sides of the three islands.

2. Portions of the lands contain improvements in the form of navigation aids erected by the Coast Guard. Any entry upon or location of such lands, or use or disposal thereof, shall be subject to the right of the United States, its officers, agents, or employees, to maintain repair, operate, improve, or remove such improvements and to enter upon the lands at any time or times for such purposes, and the United States shall retain all right, title and interest in and to such improvements until they have been removed or officially abandoned in place.

3. Until 10 a.m., on February 22, 1966, the State of Alaska shall have a preferred right to select the restored lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b); section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9 (formerly 43 CFR Part 76). After that time the lands shall be open to the operation of the public land laws generally including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on February 22, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska, 99501.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 22, 1965.

[F.R. Doc. 65-12762; Filed, Nov. 29, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15881; FCC 65-1022]

SCHEDULE OF APPLICATION FILING FEES

Report and Order

In the matter of amendment of Subpart G of Part 1 of the Commission's rules relating to the schedule of application filing fees. The following Parts of the Commission's rules are also amended by this action: 13, 21, 23, 25, 61, 62, 63, 66, 81, 83, 87, 89, 91, 93, 95, and 97.

1. A notice of proposed rule making in this proceeding was released on March 19, 1965, and published in the FEDERAL REGISTER on March 24, 1965 (30 F.R. 3822). Comments were received from the following parties:

American Radio Relay League (ARRL).
Michigan Citizens Band Council.
National Committee for Utilities Radio (NCUR).
Central Committee on Communications Facilities of the Petroleum Institute (Central Committee).
Aircraft Owners and Pilots Association (AOPA).
National Association of Broadcasters (NAB).
Missouri Broadcasters Association.
Special Industrial Radio Service Association, Inc. (SIRSA).
National Mobile Radio System (NMRS).
Arthur Stambler.

2. Since the fee schedule became effective on March 17, 1964, a continuing review has been conducted with respect to the fee schedule, the Commission's application procedures, and the interrelation of the two. The changes adopted herein are a direct result of this review. Addi-

tionally, it should be noted that changes made in application procedures have had the effect of removing seeming or apparent disparities in the fee schedule.[1] The scope of the review also included the consideration of several questions for which no changes were proposed. Significant among these were (1) whether an exemption should be provided for restricted radiotelephone operator permit applications filed by parties who would use the permit for a limited time or a limited use, and (2) whether radio stations aboard aircraft should be exempt from fees.

3. The matter of restricted operator permits was discussed previously at paragraphs 40–42 of the Commission's original report and order of May 6, 1963, in Docket No. 14507 (FCC 63-414, 28 F.R. 4758), and it was concluded that no exemption should be provided for any applicant for a commercial radio operator license or permit. The idea of stamping authorizations issued to commercial radio operators was also considered at that time and rejected since it would, in effect, amount to the establishment of numerous new classes of operator licenses. The administrative costs inherent in any procedure allowing for exemptions for restricted permit applications would not justify those exemptions. The very nominal amount of the fee ($2), the lifetime term of the permit, and the fact that the permit may be used interchangeably in several services all dictate against a change of Commission policy with respect to this question.

4. The question as to whether aircraft radio stations should be exempt from fees stems from the fact that Federal Aviation Agency regulations which became effective on December 26, 1961, require the installation of two-way radios in all aircraft utilizing FAA tower-controlled airports and the associated airport traffic areas. Thus, it is contended that the use of radio stations aboard aircraft is of a compulsory nature. This contention was answered by the Commission at paragraph 7 of our memorandum opinion and order in Docket No. 14507 (FCC 63-856, 28 F.R. 10911). Moreover, we wish to emphasize that radio was utilized in a substantial majority of aircraft prior to the FAA regulations of December 26, 1961. This point is illustrated by the fact that the number of outstanding aircraft radio licenses listed in the Commission's Annual Reports for the fiscal years 1959–1961, respectively, nearly paralleled the number of aircraft which the FAA considered to be active during those years. Though we are herein amending the fee schedule to exempt modification applications which are required because of changes in the rules of another Federal agency such as the FAA, we do not feel there is reason to exempt all applications filed by aircraft licensees or to reduce the fee now prescribed for those applications.

5. Many of the comments suggested the reduction or elimination of certain fees on the ground that those fees do not reflect the true cost of processing the application involved. There is no need to go into the particulars of these suggestions. In the original report or STA's. A study of this question disand order of May 6, 1963, the Commission established a policy of flat fees rather than attempting to set each fee in relation to the exact cost of processing. At paragraph 12 of that report and order, the Commission stated:

> We must concede that as flat fees, the charges adopted herein do not accurately reflect cost to the government of processing a particular application or the value conferred upon a recipient of a license for a particular * * * facility. Establishment of complete fee schedules which reflect both these elements in one charge is compounded by the difficulty of allocating costs to particular applications and arriving at figures which are not inconsistent with value to the recipient or which are not excessively high.

This method of establishing fees was held by the Seventh Circuit Court of Appeals to be reasonable (*Aeronautical Radio et al.* v. *United States and FCC*, 335 F. 2d 304, certiorari denied 379 U.S. 966). In the same vein, the AOPA asked the Commission to supply sufficient financial and statistical data so that AOPA could be assured that no more than the actual cost of services provided to owners and operators of private civil aircraft is being assessed, and that this assessment is fair and equitable vis-a-vis the other users of the frequency spectrum. Again, we refer to the decision of the court sustaining both the validity and the reasonableness of the fees which were adopted.

6. The NAB reiterated its position that the matter of fees for Federal licensing activities should be resolved through specific legislative policy. Accordingly, the NAB requested that the Commission amend its notice of proposed rulemaking to delete that aspect of the proposal which would increase the fees to be paid pending further legislative direction from Congress. The question of a legislative policy regarding fees was discussed previously at paragraph 6 of the report and order of May 6, 1963. There, we stated our position that Title V of the Independent Offices Appropriation Act of 1952 formulated legislative policy on the subject of fees. This position was subsequently sustained by the Court.

General

7. Those sections of the fee rules dealing with general information are amended as explained in the following paragraphs:

A new § 1.1104 is added setting forth in paragraph (a) thereof the situations in which a return or refund of the fee will be made. In addition to the four situations spelled out in the proposal, we are adding a fifth one to cover instances where circumstances beyond the control of the applicant would render the grant of a pending application useless, e.g., where an applicant dies before grant of his application or where a business applicant becomes bankrupt or otherwise ceases operation of his business before his application is granted. Therefore, § 1.1104(a) will provide for a return or refund of a fee in the following situations:

(1) An application for which no fee is required.

(2) An application filed by an applicant who cannot fulfill a prescribed age requirement.

(3) An application filed for renewal without re-examination of an amateur or commercial radio operator license after the grace period has expired.

(4) An application filed by an applicant precluded from receiving a license by the provisions of section 303(l) or section 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

8. Paragraph (b) of the new § 1.1104 reflects the Commission's prior announcement that it will no longer issue refunds for fee overpayments of $2 or less.

9. Section 1.1105 currently excepts from the payment of fees applications filed for the sole purpose of modifying authorizations in order to comply with new requirements of the Commission's rules. That section is amended as proposed (§ 1.1105(a)) to extend its provisions to changes in the rules of other Federal government agencies as well as this Commission's rules, and to make it applicable not only to amendments of outstanding authorizations but also to amendments of pending applications which are required by rule changes of this Commission or another Federal agency. An additional sentence is added to this rule explaining that fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

10. A new general exception is added to § 1.1105 as paragraph (b) in order to provide exemptions from fees for applications filed by aliens pursuant to reciprocal radio licensing agreements.

11. A matter of general concern which remains unresolved is the question of fees for requests for waivers or special temporary authorizations (STA's). Presently, fees are not charged in either the Safety and Special or Broadcast Services for such requests. However, as one of the parties has commented in this proceeding, § 21.12 of the Common Carrier rules specifically provides that a fee of $10 shall accompany applications for waivers or STA's. A study of this question discloses that requests for waiver are normally made in conjunction with an application for which a fee is required. Furthermore, STA's are most often requested informally by letter, telephone, telegram, etc., which makes the collection of the fee an awkward matter. For these reasons, and for the purpose of achieving consistency in the administration of the fee

[1] E.g., the rules governing the Aviation Radio Services have been amended to extend the fleet licensing provisions to all multiple aircraft owners rather than just air carriers, and to provide for renewal applications to be filed on FCC Form 405-A, a form for which a $4 fee is prescribed.

rules, we are adding a new paragraph (c) to § 1.1105 to provide, generally, that no fee will be required for any application or request for a waiver or for special temporary authorization (STA).

11a. Since inconsistencies have arisen between the fee rules in Subpart G of Part 1 and the fee rules included in the rule Parts applicable to specific services, the Commission is deleting the fee rules included in the various rule Parts applicable to specific services. However, the Commission recognizes that the inclusion of fee information in certain of the rule Parts has been helpful to licensees governed by those specific rule Parts. Accordingly, pertinent extracts from Subpart G of Part 1 of the rules will be reprinted in Appendices to certain Parts of the rules.

Broadcast Services

12. Comments with respect to the broadcast proposals were received from the NAB and the Missouri Broadcasters Association.[2 3]

13. The notice proposed that the fees for applications for new facilities and major changes, renewals, and assignments and transfers requiring Forms 314 and 315 should be increased from $100 to $150 for TV applicants and from $50 to $75 for AM and FM applicants. The Missouri Broadcasters Association protested the proposed increases and urged the Commission to consider the consequences of the increases to the broadcasting industry. We have stated that the increases are appropriate to offset proposed fee reductions for other broadcast applications and to achieve a greater balance in fee collection as between the various Commission services. We cannot accept the Association's contention that the increases will have a material effect upon the broadcasting industry. Each of the proposed increases represents a very nominal amount when viewed in terms of the application filed. Moreover, the majority of broadcast licensees will benefit in some way from the reductions in broadcast fees which we are adopting herein.

14. No comment was received with respect to the other proposed changes for the Broadcast Services and those changes are adopted as proposed. They are as follows:

a. In the AM Broadcast Service, no fee is required for applications for authority to determine operating power by direct measurement (FCC Form 302).

b. The $30 fee for a base station application will cover all applications filed at the same time by a main station with respect to its mobile units licensed as remote pickup mobile stations under Subpart D of Part 74. Where the main station has no base station, one $30 fee will cover all the applications filed at the same time for its remote pickup mobile stations.

c. No fee is required for applications for covering licenses in the Auxiliary Broadcast Services.

d. The fee for translator applications is reduced from $30 to $10. Also, for translator applications only, "major change" is defined to include only a change in output frequency.

e. A new fee of $10 is prescribed for a translator application for construction permit to replace an expired permit (FCC Form 321).

f. The fee for an application for a change of a broadcast station call sign is increased from $20 to $30.

15. In order to achieve greater uniformity in fees for comparable applications, we are amending the Auxiliary Broadcast fee rules in one further respect. We note that the fee for modification of an auxiliary station license is presently set at $30 while the fee for similar modification applications in the Common Carrier and Safety and Special Services is $10. Therefore, for purposes of uniformity, we are amending § 1.1111 of the rules to establish a fee of $10 for applications for modification of an auxiliary station license.

Common Carrier

16. The only comments addressed to the proposed changes for Common Carrier applications were filed by the National Mobile Radio System (NMRS), an association of radio common carriers licensed in the Domestic Public Land Mobile Radio Service (DPLMRS).

17. We proposed in the notice that the $100 fee for an application for a base station in the DPLMRS should be reduced to $75. NMRS stated that the reasons offered by the Commission for proposing the reduction would fully support a further reduction of that fee to $50 instead of the $75 figure proposed by the Commission. A review of this matter does not indicate that this fee should be further reduced to $50. The proposed fee of $75 is a substantial reduction from the present fee and establishes a better balance between the fees for base station applications in the DPLMRS and the fees for other applications in that service. Furthermore, the $75 fee adopted herein is more in keeping with the fees for comparable applications in other Commission services.

18. We proposed that the fee for a request for dispatch station authority which is made as part of a base station application (pursuant to § 21.519(a)) should be eliminated. While NMRS supported this proposed change, they urged additionally that the fee for individual requests for dispatch stations should be reduced from $25 to $10. We are adopting the proposed change eliminating the fee for dispatch station authority made as part of a base station application. In view of this fact and the fact that separate requests for dispatch station authority require individual processing, we are not adopting the suggestion of NMRS that the fee for separate requests should be reduced from $25 to $10.

19. Adopted herein is the proposal that there should be no fee charged for a request for DPLMRS standby transmitters made as part of a base station application, provided the standby transmitters do not have independent radiating systems. NMRS stated that the fee for standby transmitters with independent radiating systems should be lower than the base station fee, and, in no event, should the fee exceed the fee for auxiliary applications in the broadcast services. However, contrary to the NMRS premise, the interference study required for a standby transmitter with its own independent radiating system is nearly as extensive as the study made for a regular base station. Moreover, the comparison drawn between such standby transmitters and auxiliary broadcast transmitters is not wholly relevant to our proposal since broadcast auxiliary remote pick-up base stations seldom use back-up transmitters with independent radiating systems. Therefore, the Commission does not feel it would be appropriate to adopt the proposals of NMRS regarding such standby transmitters.

20. The remaining proposals with respect to the Common Carrier Services are adopted as follows:

a. In the Local Television Transmission Service, the fee for application for initial construction permit and for a license for an STL station at temporary fixed locations or a mobile television pick-up station is reduced from $50 to $30.

b. In the Local Television Transmission Service, and the Point-to-Point Microwave Radio Service, the fee for applications for modification of a construction permit which do not involve additional points of communication or additional service to existing points of communication is reduced from $30 to $10.

c. In the International Fixed Public Radiocommunication Services, provision is made that where an application for a construction permit is filed for a replacement transmitter, no fee will be required for the application for modification of the license to delete the transmitter replaced, provided the two applications are filed simultaneously.

21. NMRS urged that applications for additional DPLMRS base stations should not require the same fee as the initial station application; that one $25 fee, instead of two $25 fees, should be charged if control and repeater station applica-

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[2] Additionally, the following poetic comment was filed with the Commission in this proceeding:

A comment on proposals for higher filing fees
  Needn't be long and complaining, or beg;
A few words of fabled wisdom should suffice:
  "Don't kill the goose that lays the golden egg."

[3] Chairman E. William Henry, in separate concurring statement, commented as follows:

To the poetic argument in Footnote 2 that these minuscule fees for handling applications may kill the goose that lays the golden egg, I would add:

The broadcast goose, well-stuffed and sleek,
  Can ill afford to mourn,
If we, the FCC, now seek
  One kernel of its corn.

In lands where private gain is banned
  A goose so plump and fatty
Would have its liver ground and canned
  For governmental paté.

But here no feather will we harm,
  No golden goose-fruit beg.
Fie on this flap of wild alarm—
  It's simply laid an egg.

tions are filed simultaneously; and that the $10 fee for minor DPLMRS applications filed on FCC Form 403 should be eliminated or at least reduced. NMRS cited reduced processing costs as the principal reason for each of these proposed changes. While there is considerable room for argument as to whether processing is always reduced in these cases, suffice it to say that for the reasons cited in paragraph 5, supra, we do not believe that the claimed reduction in processing costs warrants change in the flat fees presently prescribed for the applications designated by the NMRS.

Safety and Special Services

22. The comments unanimously supported the proposed changes in the fees for Safety and Special applications and those changes are adopted herein as set forth below:

a. All applications for covering licenses filed in the Safety and Special Service are exempted from fees.

b. The fee for modification of a point-to-point microwave authorization is reduced from $30 to $10.

c. The fee for initial application for a common carrier public coast station is increased from $10 to $50.

23. Some specific suggestions for further changes in the Safety and Special fees are discussed in the following paragraphs.

24. The Central Committee suggested that the fee for filing an application to renew and concurrently to modify a license to make minor or nonsubstantive changes (specifically, to add mobile units, to add a wireline control point, or to change the mailing address) should be reduced from $10 to $4. An application to renew and to modify a license is made on a regular application form (Forms 400, 402, 403, etc.) rather than on FCC Form 405-A, the simple card-type application for which a $4 fee is prescribed. The suggestion is rejected because the reason for the lower fee for renewal applications filed on Form 405-A does not apply in this instance, and because we see no valid reason to reduce the fee for a combined renewal and modification below $10.

25. Both SIRSA and the Central Committeee requested that the fee for application to change a mailing address should be eliminated. The Commission agrees on this point, but this matter will be taken care of by changes in our licensing procedures which are presently under consideration, rather than by providing an exemption in the fee schedule.

26. The National Committee for Utilities Radio (NCUR) suggested that the fee for reinstatement of an expired authorization should be reduced to $10, in the case of microwave fixed stations, and to $4, in the case of land mobile stations. Applications for reinstatement are filed on the regular application form (not on the short renewal form) because, although it is called reinstatement, the application really is for a new license. Furthermore, it would not seem appropriate to charge the same fee (in the case of land mobile stations) to those who let their authorizations expire as is charged those who filed timely applications for renewal.

27. ARRL recommended setting all amateur filing fees at $2; reduction of the fee for special call signs from $20 to $10; and exemption from the fee requirement of applications for amateur stations at special events (Boy Scout encampments, fairs, etc.), and for applications filed by bona fide radio organizations. We do not feel that any of these suggestions should be adopted. The amount of the fee to be paid by amateurs has been discussed at length by the Commission in previous documents and further consideration and discussion is not warranted. The same is true with respect to the fee for special call signs. As to exempting bona fide amateur clubs, ARRL has not shown how the requirement for paying a fee of $4 every five years imposes a "severe burden" on such organizations. With respect to the suggestion for exempting applications for stations at special events, it should be noted that formal applications (and fees) are not required for authority to operate a station for less than six months. If the station is to be operated for more than six months, the payment of a $4 fee in connection with the filing of an application therefor is not inappropriate.

28. The suggestion of the Michigan Citizens Band Association that the fee be refunded if an application is denied is contrary to the filing fee concept expressed in the original notice of proposed rule making of February 16, 1962 (FCC 62-168, 27 F.R. 1729), and contained in § 1.1103 of the rules. Accordingly, the suggestion is rejected.

Conclusion

29. Since certain of the amendments adopted herein affect some present interpretations of the fee rules and procedures which are set forth in Appendix B to Part 1 of the rules, appropriate revision of those interpretations is provided for below.

30. In view of the foregoing and pursuant to authority contained in section 4(i) of the Communications Act, section 140 of Title 5 of the United States Code, and Budget Bureau Circular A-25 (September 23, 1959), *It is ordered*, That, effective January 3, 1966, Subpart G of Part 1 of the Commission's rules is amended as set forth below, and the proceedings in Docket No. 15881 are terminated.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154; sec. 5, 65 Stat. 290, 5 U.S.C. 140; Budget Bureau Circular A-25, Sept. 23, 1959)

Adopted: November 17, 1965.

Released: November 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary*.

[1] Chairman Henry concurring and issuing a statement; Commissioners Hyde and Loevinger absent.

The Commission's rules are amended as follows:

1. Section 1.1103(d) is amended to read as follows:

§ 1.1103 Payment of fees.

* * * * *

(d) Except as provided in §§ 1.1104 and 1.1105, all fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted.

2. A new § 1.1104 is added to Part 1 to read as follows:

§ 1.1104 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Where the application is filed for renewal without reexamination of an amateur or commercial radio operator license after the grace period has expired.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(l) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(b) Payments in excess of an applicable fee will be refunded only if the overpayment exceeds $2.

3. Section 1.1105 is amended to read as follows:

§ 1.1105 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) No fee is required for any application or request for an STA or waiver.

4. Section 1.1111 is amended to read as follows:

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, applications filed in the Radio Broadcast Services shall be accompanied by the fees prescribed below:

	AM	FM	TV	Translator	Auxiliary
Application for construction permit for new station	$75	$75	$150	$10	[1] $30
Application for major change	75	75	150	[2] 10	[1] 10
Application for renewal or assignment of license or transfer of control, exclusive of FCC Form 316 applications (where more than one broadcast station license is involved, the application must be accompanied by the total amount of the fees prescribed for each license so involved)	75	75	150	10	[1] 30
Applications filed on FCC Form 316 (where more than one broadcast station license is involved, the applications must be accompanied by the total amount of the fees prescribed for each license so involved)	30	30	30	No fee	No fee
Application for construction permit to replace expired permit, FCC Form 321	30	30	30	10	[1] 30
Application for modification other than a major change	30	30	30	No fee	[1] 10
Application for change of call sign for broadcast station	[3] 30				
All other applications in the broadcast services (excluding television translator applications not specified above)	[1] [4] 30				

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] For determining when a translator application is required to be accompanied by a fee under this section (though not for other purposes in the translator or other broadcast services), "major change" is defined to include only a change in the output frequency of the translator.

[3] In all services.

[4] For each application.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for the operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial educational use.

(2) Applications in the AM service requesting only authority to determine antenna power by direct measurement.

(3) Applications filed for covering licenses in the Auxiliary Broadcast Services.

5. Section 1.1113 is amended to read as follows:

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for Common Carrier Services shall be accompanied by the fees prescribed below:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE [1]

Application for initial construction permit or for relocation of a base station (including authority for mobile units, blanket dispatch station authority,[2] and standby transmitters without independent radiating systems [3] [4])	$75
Application for initial construction permit or for relocation of a dispatch station,[5] control station or repeater station [4]	25
Application for modification of construction permit or license for base station, dispatch station, control station or repeater station at an existing station location	$10
Application for renewal of license for base station	25
Application for renewal of license for dispatch station, control station or repeater station	10
Application for license, modification of license, or renewal of license for individual mobile stations	5

RURAL RADIO SERVICE

Application for an initial construction permit or for relocation of facilities [4]	10
Application for modification of construction permit or license	10
Application for license for operation of a rural subscriber station at temporary-fixed locations	10
Application for license or modification of license for individual subscriber stations	5
Application for renewal of license	5

POINT TO POINT MICROWAVE RADIO SERVICES

Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities [4]	30
All other applications for construction permits or modification of construction permits (no fee required when filed as part of a modification application requiring a $30 fee)	10
Application for license for operation of a station at temporary-fixed locations	30
Application for modification of license	10
Application for renewal of license	5

LOCAL TELEVISION TRANSMISSION SERVICE

Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities [4]	30
All other applications for construction permits or modification of construction permits (no fee required when filed as part of a modification application requiring a $30 fee)	10
Application for license for operation of an STL station at temporary-fixed locations	$30
Application for license for operation of a mobile television pickup station	30
Application for modification of license	10
Application for renewal of license	5

INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

International Fixed Public Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	100
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if both applications are filed simultaneously)	50
Application for change of location of an authorized station	100
Application for modification of license	10
Application for renewal of license	75
International Control Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	30
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if both applications are filed simultaneously)	10
Application for change of location of an authorized station	30
Application for modification of license	10
Application for renewal of license	10

OTHER RADIO APPLICATIONS

Application for assignment of an authorization or transfer of control (a separate $10 fee is required for each call sign covered by the application	10
All other Common Carrier Radio applications	10

COMMON CARRIER NONRADIO APPLICATIONS

Applications by Communications Common Carriers for Authorization to Own Stock in the Communications Satellite Corp	10
Section 214 Applications by Telephone Co	50
Section 214 Applications by Telegraph Co	10
Cable Landing License Applications	100
Section 221 Applications	50
Interlocking Directorate Applications	10
Tariff applications to change charges or regulations on less than statutory notice	10
All Other Common Carrier nonradio Applications	10

6. In § 1.1115, paragraph (a) is amended and paragraph (b) (9) is added to read as follows:

§ 1.1115 Schedule of fees for Safety and Special Radio Services.

(a) Except as provided in paragraph (b) of this section, all formal applications filed in the Safety and Special Radio Services shall be accompanied by the fees prescribed below:

Applications in the Amateur Radio Service:	
For Initial License, including New Class of Operator License, and for Renewal of License	$4
For Modification of License	2
Request for Special Call Sign Pursuant to § 97.51	20

[1] In this service each transmitter at a fixed location is a separate station notwithstanding the inclusion of more than one such station on a single authorization or under a single call sign.

[2] When included as part of a base station application, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application or fee. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for applications for license to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

Applications in the Citizens Radio Service:
For Class A Station Authorization.... $10
For All Other Classes of Stations in the Citizens Radio Service........ 8
Applications for Radio Station Authorizations for Operational Fixed Radio Stations for which Frequencies above 952 Mc/s are requested:
For construction permit.............. 30
For modification of authorization.... 10
Applications for Common Carrier Public Coast Stations in the Maritime Radio Services:
For construction permit.............. 50
For modification of authorization.... 10
Applications for Renewal only for which FCC Form 405A is prescribed.. 4
All Other Applications Filed in the Safety and Special Radio Services... 10

(b) * * *

(9) Applications for license to cover construction permit.

7. Section 1.1117 is amended to read as follows:

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications filed for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

Applications for new operator license:
First-class license, either radiotelephone or radiotelegraph.............. $5
Second-class license, either radiotelephone or radiotelegraph.............. 4
Third-class permit, either radiotelephone or radiotelegraph.............. 3
Restricted radiotelephone permit..... 2
Application for renewal of operator license.............................. 2
Application for endorsement of operator license.......................... 2
Application for duplicate license or for replacement license............. 2

(b) No fee need accompany an application for a verification card (FCC Form 758–F) or for a verified statement (FCC Form 759).

(c) Whenever an application requests both an operator license and an endorsement the required fee will be the fee prescribed for the license document involved.

8. In Appendix B to Part 1 of the Rules and Regulations, "Interpretations of Fee Rules and Procedures", interpretation 64–4 is amended and the texts of interpretations 64–12 and 64–19 are deleted and the word "[Reserved]" inserted in lieu thereof, to read as follows:

APPENDIX B—

INTERPRETATIONS OF FEE RULES AND PROCEDURES

* * * * *

64–4. *Question.* When will fee credit be accorded to an applicant?

Interpretation. Fee credit will be accorded only in those instances where the application is returned for additional information or corrections, e.g., the application is undated or unsigned, applicable questions are unanswered, inconsistency in spelling of names, necessary frequency coordination committee letter has been omitted, etc. (However, the fact that a fee credit will be allowed upon the resubmission of an application which has been returned as incomplete will not be construed to mean that the original application was accepted for filing.) No credit will be accorded an applicant whose application has been dismissed, e.g., the applicant is not eligible for a license in the service in which he has applied, or the applicant has requested dismissal. See § 1.1103 (d) of the rules.

* * * * *

64–12. [Reserved]

* * * * *

64–19. [Reserved]

9. Sections 13.14, 13.15, 81.49, 81.50, 83.53, 83.54, 87.51, 87.53, 89.81, 89.83, 91.67, 91.68, 93.66, 93.67, 95.21, 95.23, 97.53, and 97.55 are deleted.

10. Paragraph (b) of § 21.12 is amended to read as follows:

§ 21.12 Place of filing applications, fees, and number of copies.

* * * * *

(b) Every application for a radio station authorization, except applications for stations located in Alaska, and all correspondence relating thereto, shall be submitted to the Commission's office at Washington, D.C., 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

* * * * *

11. Section 23.13 is amended to read as follows:

§ 23.13 Place of filing applications, fees, and number of copies.

Every application for an authorization in the international fixed public radio services shall be submitted to the Commission's office at Washington, D.C., 20554. Each application, including exhibits and attachments thereto, shall be filed in duplicate, and shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

12. Paragraph (c) of § 25.523 is amended to read as follows:

§ 25.523 Form of application, number of copies, fees, etc.

* * * * *

(c) Each application for authorization shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

13. The introductory text of § 61.153 is amended to read as follows:

§ 61.153 Form and contents of application and fee required.

Applications (including amendments thereto and exhibits made a part thereof) for permission to change charges or regulations, on less than statutory notice (for prescribed fee, see Subpart G of Part 1 of this chapter), or for waiver of any of the provisions of the rules in this part, shall be made and filed in duplicate, and addressed to the Federal Communications Commission, Washington, D.C., 20554. Such applications shall be made on paper of size 8½ by 11 inches, shall be numbered consecutively, and shall bear the signature of the proper officer of the carrier, or a duly authorized attorney or agent, the title of whom shall be specified. Such applications shall give the information required in the following form:

* * * * *

14. Section 62.24 is amended to read as follows:

§ 62.24 Form of application; number of copies; size of paper; fees; etc.

The original application and two copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signatures on the copies may be stamped or typed. The application shall be submitted in typewritten or printed form, on paper not more than 8½ inches wide and not more than 11 inches long, with a left-hand margin of approximately 1½ inches, and if typewritten, the impression must be on only one side of the paper and must be double spaced. Each such application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

15. Section 63.52 is amended to read as follows:

§ 63.52 Copies required; fees.

Unless otherwise specified the Commission shall be furnished with an original and 9 copies of applications filed under section 214 of the Communications Act: *Provided, however,* That, where more than one state is involved, 2 additional copies shall be furnished for each additional state: *Provided further,* That, where applications involve only the supplementation of existing facilities, and the issuance of a certificate is not requested, an original and 4 copies of the application shall be furnished. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

16. Paragraph (a) of § 66.14 is amended to read as follows:

§ 66.14 General provisions.

(a) *Place of filing applications; copies required; fees.* The original and five copies of the application shall be submitted to the Commission's office at Washington, D.C., 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

* * * * *

[F.R. Doc. 65–12794; Filed, Nov. 29, 1965; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 48]

MANUFACTURERS AND RETAILERS EXCISE TAXES

Diesel Fuel, Special Motor Fuels and Gasoline Sold for Use or Used in Certain Immobilized Vehicles

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

In order to provide rules with respect to diesel fuel, special motor fuels, and gasoline sold for use or used in certain vehicles during periods when they are considered as not having the essential characteristics of motor vehicles and to provide rules for the allocation of fuel used, the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) are amended as follows:

PARAGRAPH 1. Section 48.4041-6 is amended to read as follows:

§ 48.4041-6 Dual use of taxable liquid.

Tax applies to all taxable liquid sold for use or used as a fuel in the motor which is used to propel a diesel-powered highway vehicle or in the motor used to propel a motor vehicle, motorboat, or airplane, even though the motor is also used for a purpose other than the propulsion of the vehicle. Thus, where the motor of a diesel-powered highway vehicle or of a motor vehicle, motorboat, or airplane operates special equipment by means of a power take-off or power transfer, tax applies to all taxable liquid sold for such use or so used, whether or not the special equipment is mounted on the vehicle. For example, tax applies to diesel fuel sold to operate the mixing unit on a concrete mixer truck if the mixing unit is operated by means of a power take-off from the motor of the vehicle. Similarly, tax applies to all taxable liquid sold for use or used in a motor propelling a fuel oil truck even though the same motor is used to operate the pump (whether or not mounted on the truck) for discharging the fuel into customers' storage tanks. However, tax does not apply to liquid sold for use or used in a separate motor to operate special equipment (whether or not the equipment is mounted on the vehicle), nor does it apply during the period a vehicle is considered as not having the essential characteristics of a motor vehicle (see paragraph (c)(2) of § 48.4041-7). If the taxable liquid used in a separate motor or during the period the vehicle does not have the essential characteristics of a motor vehicle is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor or during such period will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of fuel used to propel the vehicle. In order to make a final determination of the number of gallons of fuel used to propel the vehicle, there must be added to this preliminary determination the amount of fuel consumed while idling or warming up the motor preparatory to propelling the vehicle.

PAR. 2. Paragraph (c) of § 48.4041-7 is amended to read as follows:

§ 48.4041-7 Definitions.

* * * * *

(c) *Motor vehicles*—(1) *In general.* The term "motor vehicle" includes all types of vehicles propelled by motor which are designed for carrying loads from one place to another, regardless of the type of load or material carried and whether or not the vehicle is registered or required to be registered for highway use, such as fork lift trucks used to carry loads at railroad stations, industrial plants, warehouses, etc. The term does not include farm tractors, trench diggers, power shovels, bulldozers, road graders, or rollers, and similar equipment which does not carry a load; nor does it include any vehicle which moves exclusively on rails.

(2) *Temporary loss of classification as a motor vehicle.* (i) A vehicle on which equipment or machinery having a specialized use (as for example specialized oil-field machinery) is mounted and which (except for the provisions of this subparagraph) would be considered a motor vehicle under subparagraph (1) of this paragraph shall not be considered a motor vehicle during a period in which it does not have the essential characteristics of a motor vehicle. Such vehicle will be considered as not having the essential characteristics of a motor vehicle during the period the vehicle is incapable of motion and the equipment or machinery is performing the operation for which it is primarily adapted if—

(*a*) The primary use of such equipment or machinery is other than in connection with the loading, unloading, handling, preserving, or otherwise caring for any cargo transported on the vehicle,

(*b*) A "setting-up" process involving the expenditure of a substantial amount of time and effort is necessary to place the vehicle in such an immobilized and operative condition,

(*c*) After expending the necessary substantial time and effort the vehicle has the essential characteristics of an immobile piece of equipment or machinery designed for a specialized use, and

(*d*) A "break-down" process involving a substantial amount of time and effort is required to restore the vehicle to a mobile condition.

After the "break-down" process described in (*d*) of this subdivision is completed and mobility restored, the vehicle shall again be considered a motor vehicle within the meaning of subparagraph (1) of this paragraph. The mere fact that a vehicle is rendered immobile by the switching or pulling of a lever, such as a handbrake or power take-off (with or without accompanying minor adjustments to the vehicle), in order to perform the operation for which the vehicle is primarily adapted is not sufficient to cause the temporary loss of classification as a motor vehicle since a substantial expenditure of time and effort is not involved and the vehicle has not attained the essential characteristics of an immobile piece of equipment or machinery designed for a specialized use.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. (*a*) The X Company which is engaged in the oil-well-servicing business uses a motor vehicle which is primarily adapted to oil well servicing. On June 1, 1965, X Company moves the motor vehicle from its permanent yard and travels to a wellhead

which is to be serviced. At the wellhead, it is necessary to go through a "setting-up" process before the vehicle is capable of servicing the oil well. This process requires that a derrick-mast be erected and 4 guy wires attached to the top of the mast and 4 to the middle of the mast. The guy wires are then hooked to dead-man anchors which are set into the ground. Hydraulic jacks are used to remove all of the weight of the mast from the rear wheels of the vehicle and the front end of the vehicle is jacked-up in order to insure the correct pitch of the mast. Outriggers are attached to the bottom of the mast and are laid on the ground to insure further stability. These operations are essential in order that the mast be secure and level over the wellhead and, when completed, the vehicle is incapable of movement. Three men perform this "setting-up" process in 2 hours and complete such process at noon on June 1, 1965, at which time the oil-well-servicing equipment is operative. The power used for operating the special equipment needed to service the oil well is obtained by means of a power transfer from the same motor which is used to propel the vehicle. The vehicle remains at the wellhead until June 10, 1965, at which time the servicing operations are completed. It takes 3 men 1½ hours to "break-down" the unit and to restore the vehicle to a mobile condition. The "break-down" process is completed at noon on such date.

(b) It can be ascertained from the facts that it was necessary to expend a substantial amount of time and effort to place the vehicle in an immobilized condition and to place the equipment in an operative condition, and after expending such time and effort, the vehicle possessed the essential characteristics of an immobile piece of equipment designed for oil-well servicing. Furthermore, the "break-down" process also involved substantial time and effort to return the vehicle to a mobile condition and to render the oil-well-servicing equipment inoperative. Accordingly, from noon on June 1, 1965, until noon on June 10, 1965, the vehicle is not considered a motor vehicle. At all other times, such vehicle is considered a motor vehicle.

* * * * *

PAR. 3. Section 48.6421 (a)-1 is amended by revising paragraphs (c) (1) and (d). These revised provisions read as follows:

§ 48.6421 (a)-1 Payments to ultimate purchaser of gasoline used for certain nonhighway purposes.

* * * * *

(c) *Meaning of terms*—(1) *Highway vehicles*. The term "highway vehicle" has reference to the type of vehicle and not to the use which is made of the vehicle. The term means any vehicle which is propelled by its own motor or engine and which is of the type used for highway transportation. Such term does not include any vehicle which moves exclusively on rails. It does include automobile trucks, buses, highway tractors, trolley buses, and other similar type vehicles. The term "highway vehicle" does not include any vehicle, which, although propelled by means of its own motor, is of a type not used for highway transportation, that is, of a type designed and manufactured for a purpose other than highway transportation. For example, vehicles such as earth movers, power shovels, trench diggers, and bulldozers, which are designed and manufactured as self-propelled units for "off-the-road" operations, are not highway vehicles. Neither are such motorized vehicles as road graders or rollers, which are designed and manufactured for construction or maintenance of roads, considered to be highway vehicles. The same is true of farm tractors, cotton pickers, and other motorized agricultural implements of a similar nature. However, the fact that equipment or machinery having a specialized use (as for example, an air compressor, crane, or specialized oil-field machinery) is mounted on a vehicle which, apart from such equipment or machinery, is of a type used for highway transportation will not remove such vehicle from classification as a highway vehicle. A vehicle will not be considered a "highway vehicle" during the period it does not have the essential characteristics of a motor vehicle, such determination being made under the rules applicable for vehicles powered by diesel fuel and special motor fuels as set forth in paragraph (c)(2) of § 48.4041-7.

* * * * *

(d) *Dual use of gasoline*. No payment shall be made in respect of gasoline used in a highway vehicle solely by reason of the fact that the motor in such vehicle is also used for a purpose other than the propulsion of the vehicle. Thus, if the motor of a highway vehicle operates special equipment, such as a mixing unit on a concrete mixer truck, or a pump for discharging fuel from a tank truck, by means of a power take-off or power transfer, no payment shall be made in respect of the gasoline used to operate such special equipment, regardless of whether or not the special equipment is mounted on the highway vehicle. However, if a highway vehicle is equipped with a separate motor to operate the special equipment, such as a refrigeration unit, pump, generator, mixing unit, etc., or if for a period a vehicle is considered as not having the essential characteristics of a highway vehicle under paragraph (c)(1) of this section (as determined under paragraph (c)(2) of § 48.4041-7), a claim may be filed in respect of the gasoline used in the separate motor or during such period. In those cases where the gasoline used in a separate motor or during such period is drawn from the same tank as the one which supplies gasoline for the propulsion of the vehicle, the determination as to the quantity of gasoline used in the separate motor operating the special equipment or during such period must be based on operating experience and supported by records. Devices to measure the number of miles the vehicle has traveled, such as hubometers, may be used in making a preliminary determination of the number of gallons of gasoline used to propel the vehicle. In order to make a final determination of the number of gallons of gasoline used to propel the vehicle, there must be added to this preliminary determination the number of gallons of gasoline consumed while idling or warming up the motor preparatory to propelling the vehicle.

* * * * *

[F.R. Doc. 65-12717; Filed, Nov. 29, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1030, 1031, 1032, 1038, 1039, 1051, 1062, 1063, 1067, 1070, 1078, 1079]

[Docket No. AO 101-31 etc.]

CHICAGO, ILL., MARKETING AREA, ETC.

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing areas	Docket Nos.
1030	Chicago, Ill	AO 101-A31.
1031	Northwestern Indiana	AO 170-A18.
1032	Suburban St. Louis	AO 313-A9.
1038	Rock River Valley	AO 194-A10.
1039	Milwaukee, Wis	AO 212-A16.
1051	Madison, Wis	AO 329-A3.
1062	St. Louis, Mo	AO 10-A33.
1063	Quad Cities-Dubuque	AO 105-A20.
1067	Ozarks	AO 222-A18.
1070	Cedar Rapids-Iowa City	AO 229-A12.
1078	North Central Iowa	AO 272-A7.
1079	Des Moines, Iowa	AO 295-A8.

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 Chicago, Ill., on November 4-6, 1965, pursuant to notice thereof issued on October 28, 1965 (30 F.R. 13789).

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

1. Should the Class I pricing provisions of any or all of the aforesaid orders be revised so as to maintain for December 1965 and immediately ensuing months approximately the same Class I prices as were effective under the orders during the month of November 1965?

2. Does the due and timely execution of the functions of the Secretary imperatively and unavoidably require the omission of a recommended decision with respect to issue No. 1?

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

1. *Class I pricing provisions*. Each of the aforesaid orders should be amended to fix Class I prices during the period December 1965 through February 1966 at the level of the November 1965 price and for the months March-June 1966 at such price less 20 cents.

The November Class I prices per hundredweight of milk under these orders are: Chicago, \$4.30; Northwestern Indiana, \$4.46; Suburban St. Louis, \$4.70; Rock River Valley, \$4.22; Milwaukee, \$4.18; Madison, \$4.18; St. Louis, \$4.80; Quad Cities-Dubuque, \$4.40; Ozarks, \$4.53; Cedar Rapids-Iowa City, \$4.40; North Central Iowa, \$4.35; Des Moines, \$4.55.

The producer milk supply for these 12 markets is derived principally from Wisconsin, Minnesota, Iowa, Illinois, Indi-

ana, and Missouri. During October milk production in each of these States dropped below the level of a year earlier. The total reduction for the six States was 196 million pounds, equal to six percent of the October 1964 production. These markets receive smaller quantities of producer milk from Kentucky, Arkansas, and Oklahoma where milk production was up slightly from a year earlier. The increase in those States was 12 million pounds.

The decline in milk production in several of these States was evident early in the year. Then milk production in the heavy producing States of Minnesota and Wisconsin in September dropped below the 1964 level. This was accentuated by the further drop in production in these States during October. Minnesota and Wisconsin rank first and second, respectively, among the States in milk production on farms. Last year these two States accounted for about one-fourth of all milk production in the United States. Milk production in October this year was down 7 percent in Minnesota and 6 percent in Wisconsin from October 1964.

This drop in milk production has occurred in spite of favorable milk-feed price ratios and good pasture conditions in most areas. It indicates the possibility that alternative farm enterprises and opportunities for nonfarm employment may be attracting manpower away from dairy production to a greater extent than usual. Beef and hog prices this year are reported to be more attractive than milk prices. Also the higher beef prices have encouraged culling in dairy herds, thus reducing the herd size. Opportunities for nonfarm employment are reported as good in many parts of these North Central States.

The receipts of producer milk by handlers regulated under these 12 orders reflect the drop in milk production in this region. September 1965 receipts in the 12 markets combined were down four percent from a year earlier and October receipts were down five percent.

While receipts of milk from producers in these 12 markets are declining, Class I sales are increasing. In the 12-market group Class I sales in the first nine months of 1965 were two percent above sales in the same period last year. In October 1965 Class I sales for the entire group of markets were four percent above sales in October 1964.

Because of considerable shifting of supplies and sales between markets, the receipts and sales for individual markets give a distorted picture. However, the supply and sales conditions can be appraised by considering the combined receipts and sales of four groups within the 12-market combination. Chicago and Northwestern Indiana must be considered together because of extensive shifts of sales and receipts between these markets this year. The four Iowa markets, Quad Cities-Dubuque, North Central Iowa, Cedar Rapids-Iowa City, and Des Moines, are linked together by sales and in procurement. The Madison, Milwaukee, and Rock River Valley markets form a continuous area of regulation covering southern Wisconsin and northwestern Illinois. The St. Louis, Suburban St. Louis, and Ozarks markets are closely related as recognized in their directly related Class I prices.

The Chicago and Northwestern Indiana markets together showed a drop of six percent in receipts in September and nine percent in October from a year earlier. Class I sales in these two markets were six percent higher in September and three percent higher in October than in the corresponding months of last year.

In the four Iowa markets, receipts in September were four percent below September 1964 and in October were six percent below last year. Class I sales in these markets were also down this year by two percent in September and five percent in October.

In the Madison, Milwaukee, Rock River Valley group, September receipts were one percent above September 1964 receipts but October receipts were down two percent from a year earlier. Class I sales in these markets in September were three percent above the year-earlier figure but in October were three percent lower than in October 1964.

The St. Louis, Suburban St. Louis, and Ozarks markets are the only group in which receipts from producers were greater in September and October than they were a year earlier. September receipts were only fractionally higher but October receipts were seven percent above October 1964. However, milk production was down three percent from a year earlier in both Illinois and Missouri during the first nine months of 1965. In October, Illinois production was down six percent and Missouri production was down three percent from a year earlier. Class I sales in these markets were five percent higher in September than a year earlier and October sales were up two percent.

With Class I sales increasing and deliveries of milk by producers declining, the reserve supply of milk for these markets is diminishing. If milk supplies continue to drop as they have in recent months, the maintenance of an adequate level of supply will be threatened.

This emergency action will prevent any decline in Class I milk prices for a three-month period and then for another four-month period will permit only the seasonal drop of 20 cents per hundredweight. The lower prices in these markets during March–June each year reflect the seasonal high level of production in those months. This action is needed to halt any drastic decline in the Grade A milk supply available to these markets.

Any further price increase or an increase for a longer period is not needed to preserve an adequate level of milk supplies in these markets. Hence, the price incentive is limited to that specified above.

Handlers in several of these markets and some producer representatives proposed at the hearing that the prices as presently established by the respective orders remain applicable to milk sold outside these regulated areas. Such a proposal would establish two Class I prices, one for Class I milk sold in the regulated marketing areas, and another for Class I milk sold outside such areas. The supply situation in relation to Class I sales is applicable equally to sales made both inside and outside the regulated marketing areas. Hence, the reasons for making this price increase effective on in-area Class I sales are applicable in the same way to sales made outside the areas.

The proposed order set forth below amending the orders contains amendatory language applicable to each of the orders except the order regulating the handling of milk in the Ozarks marketing area. Since the Class I price under that order is determined directly by the Class I price in the St. Louis order, the corresponding changes will become effective automatically under the terms of the Ozarks order.

2. *Emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto, on the above issue.

The conditions in these markets are such that it is urgent that remedial action be taken as soon as possible. Any delay in informing interested parties of the conclusions reached will tend to make ineffective the relief sought. The time necessarily involved in the preparation, filing and publication of a recommended decision and filing of exceptions thereto would in this instance contribute to the threat of an insufficient supply of milk for these markets.

The notice of hearing stated that consideration would be given to the economic and emergency marketing conditions relating to the proposed amendments. Action under the procedure described above was requested by proponents at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

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 to 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 orders 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 agreements and the orders 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 respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, 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 agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Marketing agreements and orders. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas," and "Order Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas," 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 orders, 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 1965 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, regulating the handling of milk in certain specified marketing areas is approved or favored by producers, as defined under the terms of the respective orders, 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 areas.

Signed at Washington, D.C., on November 23, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] *Amending the Orders Regulating the Handling of Milk in Certain Marketing Areas*

Section 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 orders 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 each of the above designated marketing areas. 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 areas, and the minimum prices specified in the orders 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 orders as hereby amended, regulate the handling of milk in the same manner as, and are 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 respective designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby further amended, as follows:

PART 1030—MILK IN CHICAGO, ILL., MARKETING AREA

1. The introductory text of § 1030.51 (a) is revised to read as follows:

§ 1030.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.20 August through November, $0.80 March through June and $1.00 in other months, adjusted not more than 24 cents each month by plus or minus 2.0 cents, respectively, for each full percent that the adjusted supply-demand ratio computed as follows, is above or below 72 percent: *Provided,* That the Class I price for December 1965 and January and February 1966 shall be $4.30 and for March through June 1966 shall be $4.10.

* * * * *

PART 1031—MILK IN NORTHWESTERN INDIANA MARKETING AREA

2. Section 1031.51(a) is revised to read as follows:

§ 1031.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.36 August through November, $0.96 March through June and $1.16 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That the Class I price for December 1965 and January and February 1966 shall be $4.46 and for March through June 1966 shall be $4.26.

* * * * *

PART 1032—MILK IN SUBURBAN ST. LOUIS MARKETING AREA

3. Section 1032.51(a)(1) is revised to read as follows:

§ 1032.51 Class prices.

* * * * *

(a) *Class I price.* (1) The Class I price for plants located in the base zone shall be the basic formula price for the preceding month plus $1.50 during each of the months of August through November; plus $1.10 during each of the months of March through June and plus $1.30 during all other months. Such price shall be increased or decreased, respectively, by whatever amounts the Class I prices computed pursuant to Parts 1030 (Chicago) and 1062 (St. Louis, Mo.) of this chapter are increased or decreased by the supply-demand adjustors computed for such month under such parts: *Provided,* That the Class I price for December 1965 and January and February 1966 shall be $4.70 and for March through June 1966 shall be $4.50.

* * * * *

PART 1038—MILK IN ROCK RIVER VALLEY MARKETING AREA

4. Section 1038.51(a) is revised to read as follows:

§ 1038.51 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.12 August through November; $0.72 March through June and $0.92 in other months:

[1] This order shall not become effective with respect to any marketing area 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 with respect to each such marketing area.

Provided, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.22 and for March through June 1966 shall be $4.02.

* * * * *

PART 1039—MILK IN MILWAUKEE, WIS., MARKETING AREA

5. Section 1039.51(a) is revised to read as follows:

§ 1039.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November; $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.18 and for March through June 1966 shall be $3.98.

* * * * *

PART 1051—MILK IN MADISON, WIS., MARKETING AREA

6. Section 1051.51(a) is revised to read as follows:

§ 1051.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.08 August through November, $0.68 March through June and $0.88 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.18 and for March through June 1966 shall be $3.98.

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

7. Section 1062.51(a) is revised to read as follows:

§ 1062.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the preceding month plus $1.60 during the months of August, September, October, and November; plus $1.40 during the months of December, January, February, and July; and plus $1.20 during all other months. Such price shall be increased or decreased by whatever amount the Class I price computed pursuant to Part 1030 (Chicago) of this chapter is increased or decreased by the supply-demand adjustor computed for such month under such part; and plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph: *Provided*, That the Class I price for December 1965 and January and February 1966 shall be $4.80 and for March through June 1966 shall be $4.60.

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

8. Section 1063.50(b) is revised to read as follows:

§ 1063.50 **Basic formula and class prices.**

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.40 and for March through June 1966 shall be $4.20.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

9. Section 1070.50(b) is revised as follows:

§ 1070.50 **Basic formula and class prices.**

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June, and $1.10 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I prices for December 1965 and January and February 1966 shall be $4.40 and for March through June 1966 shall be $4.20.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

10. Section 1078.50(b) is revised to read as follows:

§ 1078.50 **Basic formula and class prices.**

* * * * *

(b) *Class I milk price.* The Class I milk price at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June, and $1.05 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.35 and for March through June 1966 shall be $4.15. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

11. Section 1079.50(b) is revised to read as follows:

§ 1079.50 **Basic formula and class prices.**

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June, and $1.25 in other months: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further*, That the Class I price for December 1965 and January and February 1966 shall be $4.55 and for March through June 1966 shall be $4.35. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

[F.R. Doc. 65-12736; Filed, Nov. 29, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Notice of Proposed Rule Making

Pursuant to the provisions of section 170 of the Atomic Energy Act of 1954, as amended, the Commission has, by public notice issued simultaneously herewith, (1) increased, effective January 1, 1966, from $60 million to $74 million, the amount of financial protection required of licensees of facilities having a rated capacity of 100 electrical megawatts or more (who are required by statute to have and maintain financial protection in the maximum amount available from private sources) and (2) reduced the amount of indemnity extended by the Commission to such licensees by a like amount.

In connection with the increase in the amount of available nuclear energy liability insurance, the Commission has also reviewed the financial protection requirements applicable to licensees of facilities not having a rated capacity of 100 megawatts or more. The amounts of financial protection for such facilities are presently prescribed by the Commission's regulations. The factors which the Commission is required to consider in establishing the amounts of financial protection for facilities not having a rated capacity of 100 megawatts are set forth in subsection 170b. of the Act.

Notice is hereby given that the Commission is considering whether to effect a proportional increase (approximately 23 percent) in the financial protection requirements for licensees of power or testing reactors having an authorized thermal power level in excess of 1 megawatt but having a rated electrical capacity less than 100 megawatts (licensees governed by application of the formula set forth in 10 CFR § 140.12).

All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 29th day of November 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-12898; Filed, Nov. 29, 1965; 11:56 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 250]

[Docket No. 16563]

PASSENGER PRIORITIES AND OVERBOOKED FLIGHTS

Supplemental Notice of Proposed Rule Making

NOVEMBER 23, 1965.

By notice of proposed rulemaking, EDR-95, dated October 12, 1965, and published in 30 F.R. 13236, the Civil Aeronautics Board proposed to amend Part 221 of the Economic Regulations to require carriers to include in their passenger tariffs their practices and rules for determining passenger priorities applicable in instances in which confirmed reservations exceed the capacity of the aircraft on a scheduled flight. The Board also proposed to issue a new Part 250 which would require advance notice to passengers of the possibility that they might be denied boarding on a flight for which they have confirmed reserved space. Interested persons were invited to file comments on the foregoing revisions of the Economic Regulations to be received on or before December 1, 1965.

Five carriers have requested that the time for submitting comments be extended for a period of from 3 to 6 months to allow the carriers to engage in further study of, and internal management consultation on, the proposed revisions, particularly with respect to reservations procedures and practices relating to interline traffic.

The undersigned finds that good cause has been shown for an extension of time, but not for the protracted period requested. Accordingly, pursuant to the authority delegated under sections 7.3C, 7.4, and 7.6 of Public Notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for filing comments on the amendment of Part 221 and the issuance of a new Part 250 to January 5, 1966. All relevant matter received on or before that date will be considered by the Board before taking action on the proposed revisions. Copies of such communications will be available upon receipt thereof for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Sec. 204(a), 403, 404, 411, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, 769; 49 U.S.C. 1324(a), 1373, 1374, 1381; sec. 3, Administrative Procedure Act; 60 Stat. 238; 5 U.S.C. 1002.

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 65-12778; Filed, Nov. 29, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 1133]

AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Airplanes

Amendment 413 (27 F.R. 3319), AD 62-8-4 requires inspection of the horizontal stabilizer balance panel covers, and repair, replacement or modification of any cracked covers, on Boeing Models 707 and 720 Series airplanes. Subsequent to the issuance of Amendment 413, the Agency has determined that a visual inspection of the bond between the cover skins and their supporting structure is necessary to insure early detection of potential danger areas. Also, the manufacturer's latest service bulletins have been incorporated. Therefore, it is proposed to amend Part 39 of the Federal Aviation Regulations by amending Amendment 413 to provide for an additional visual inspection of the cover skins and to incorporate the manufacturer's latest service bulletins.

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 December 30, 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 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, by further amending Amendment 413 (27 F.R. 3319), AD 62-8-4 as follows:

1. Subparagraph (b)(1) is amended to read:

(1) Repair in accordance with Boeing 720 Structural Repair Manual 51-9-1 dated February 1, 1965 (or later revisions), or 707 Intercontinental Structural Repair Manual 51-9-1 dated October 1, 1964 (or later revisions), or Stratoliner Structural Repair Manual 51-9-1, dated December 1, 1964 (or later revisions).

NOTE: The Structural Repair Manuals do not call for fiberglass cloth overlay repairs on the horizontal stabilizer balance panel bay covers and this practice should be discontinued.

2. Redesignate paragraphs (c) and (d) as (d) and (e) respectively, and insert

the following new paragraph after paragraph (b):

(c) When repairing any panel in accordance with paragraph (b)(1), or during inspection at major overhaul, visually inspect the bonding between the cover skin and its supporting structure for evidence of bond separation. If separation is found, repair either by tack riveting the separated parts together with ⅛ inch diameter 5056 aluminum alloy rivets at $0.60 \pm 1/32$ inch spacing, or in accordance with the applicable Structural Repair Manual set forth in subparagraph (b)(1).

3. The parenthetical reference is amended to read:

(Boeing Service Bulletin No. 1594 or later FAA approved revisions cover this same subject).

Issued in Washington, D.C., on November 22, 1965.

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

[F.R. Doc. 65-12746; Filed, Nov. 29, 1965; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 6807]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Model C-46 Series Airplanes

The Federal Aviation Agency has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive for Curtiss-Wright Model C-46 Series airplanes. A notice of proposed rule making requiring modification of the fire extinguishing electrical circuit by providing separate circuit breakers for each branch of the fire extinguishing system was published in 30 F.R. 9491, and interested persons were invited to participate in the making of the proposed rule. In view of the comments received, changes of a substantive nature have been found to be necessary in the initial proposal. Therefore, in order to give interested persons an opportunity to comment on these changes, they have been incorporated into a new proposal and the notice of proposed rule making published in 30 F.R. 9491 is hereby withdrawn.

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 Council, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before December 30, 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 (49 U.S.C. 1354(a), 1421, 1423).

CURTISS-WRIGHT. Applies to Model C-46 Series airplanes modified in accordance with Supplemental Type Certificate Numbers SA4-33 and SA2-422 or certificated under Type Certificate 2A5.

Compliance required as indicated.

To prevent total failure of the fire extinguisher electrical circuity, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this Airworthiness Directive, install a placard on the fire extinguisher control panel which states "Reset fire extinguisher circuit breaker before firing each bottle." This placard may be removed when paragraph (b) has been accomplished.

(b) Within the next 500 hours' time in service after the effective date of this AD, modify the fire extinguishing electrical circuit by providing separate circuit breakers for each branch of the fire extinguishing system in accordance with paragraph (c) or (d) as applicable.

(c) For airplanes modified in accordance with STC SA4-33, modify the fire extinguishing system in accordance with Aircraft Engineering Foundation Drawing AEF 10-1200, Change "E", dated January 13, 1965, and the Flying Tiger Line, Inc., Engineering Order E.O. 26-20-4, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) For airplanes certificated under Type Certificate 2A5 or modified in accordance with STC SA2-422, modify the fire extinguishing system in accordance with Aircraft Engineering Foundation Drawing AEF 10-200, Change "F", dated August 1, 1965, and Tempo Design Engineering Authorization No. 10-1200, Revision 1, dated August 1, 1965, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

NOTE. Data may be obtained from Tempo Design Corp., Post Office Box 456, Miami International Airport, Miami, Fla., 33148.

Issued in Washington, D.C., on November 22, 1965.

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

[F.R. Doc. 65-12747; Filed, Nov. 29, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-136]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

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

The following controlled airspace is presently designated in the Dickinson, N. Dak., terminal area:

(1) The Dickinson, N. Dak., control zone is designated as that airspace within a 3-mile radius of Dickinson Municipal Airport (latitude 46°47'45" N., longitude 102°48'00" W.).

(2) The Dickinson, N. Dak., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'45" N., longitude 102°48'00" W.), within 3 miles W and 1 mile E of the Dickinson VORTAC 002° radial, extending from the 5-mile radius area to 6 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles W and 5 miles E of the Dickinson VORTAC 002° and 182° radials, extending from 8 miles S to 11 miles N of the VORTAC, and within 8 miles W and 5 miles E of the Dickinson VORTAC 013° and 193° radials, extending from 4 miles S to 13 miles N of the VORTAC.

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

(1) Redesignate the Dickinson, N. Dak., control zone to include the airspace within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.).

(2) Redesignate the Dickinson, N. Dak., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.), and within 2 miles each side of the Dickinson VORTAC 013° radial, extending from the 7-mile radius area to 8 miles N of the VORTAC; and that airspace extending from 1,200 feet above the surface within 5 miles E and 8 miles W of the Dickinson VORTAC 013° radial, extending from the VORTAC to 13 miles N of the VORTAC; and within the arc of a 12-mile radius circle centered on the Dickinson VORTAC extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial.

The proposed alterations are necessary since the Dickinson, N. Dak., low frequency range approach procedure has been cancelled and the VOR approach procedure at this location is being modified.

The proposed control zone would provide controlled airspace protection for aircraft departing Dickinson Municipal Airport during climb to 700 feet above the surface and for aircraft executing the prescribed instrument approach procedure during descent below 1,000 feet above the surface.

The 700-foot floor transition area would provide controlled airspace protection for departing aircraft during climb from 700 to 1,200 feet above the surface and for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 1,000 feet above the surface.

The 1,200-foot floor transition area would provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during the portion of the procedure executed at and above 1,500 feet above the surface. It would also protect the holding pattern airspace at Dickinson.

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

Certain minor revisions to prescribed instrument approach 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 the procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

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

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

Issued at Kansas City, Mo., on November 17, 1965.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 65-12748; Filed, Nov. 29, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-29]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate floors on the Federal airways in the Southwest Regional area and segments of adjoining regional areas.

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

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

The Federal Aviation Agency proposes to designate floors on the pertinent airway segments as hereinafter set forth.

1. V-9 From Grand Isle, La., 1,200 feet above the surface (AGL) via INT Grand Isle, 333° and New Orleans, La., 181° True radials; 1,200 feet AGL New Orleans; 1,200 feet AGL McComb, Miss., including a 1,200 feet AGL E alternate from New Orleans to McComb via Picayune, Miss.

2. V-12 From Winslow, Ariz., 30 miles, 1,200 feet AGL, 8,500 feet mean sea level (MSL) Zuni, N. Mex.; 1,200 feet AGL Grants, N. Mex., including a 1,200 feet AGL S alternate via INT Zuni 108° and Grants 252° True radials; 1,200 feet AGL Albuquerque, N. Mex.; 1,200 feet AGL Otto, N. Mex.; 1,200 feet AGL Anton Chico, N. Mex., including a 1,200 feet AGL S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° True radials; 1,200 feet AGL Tucumcari, N. Mex.; 1,200 feet AGL Amarillo, Tex., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate; 1,200 feet AGL Gage, Okla., including a 1,200 feet AGL N alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° True radials; 1,200 feet AGL Anthony, Kans.; 1,200 feet AGL Wichita, Kans., including a 1,200 feet AGL N alternate from Gage to Wichita via INT Gage 043° and Wichita 250° True radials and also a 1,200 feet AGL S alternate via INT Anthony 060° and Wichita 190° True radials.

3. V-13 from Houston, Tex., 1,200 feet AGL via Lufkin, Tex., including a 1,200 feet AGL E alternate via Daisetta, Tex., and also a 1,200 feet AGL W alternate via INT Houston 354° and Lufkin 218° True radials; 1,200 feet AGL Shreveport, La., including a 1,200 feet AGL E alternate; 1,200 feet AGL Texarkana, Ark., including a 1,200 feet AGL W alternate via INT Shreveport 275° and Texarkana 184° True radials; 1,200 feet AGL Page, Okla.; 1,200 feet AGL Fort Smith, Ark.; 1,200 feet AGL Fayetteville, Ark., including a 1,200 feet AGL W alternate from Page to Fayetteville via INT Page 006° and Fayetteville 205° True radials; 1,200 feet AGL to Neosho, Mo.

4. V-14 From Roswell, N. Mex., 1,200 feet AGL via Lubbock, Tex., 1,200 feet AGL Childress, Tex., including a 1,200 feet AGL S alternate via INT Lubbock 086° and Childress 229° True radials; 1,200 feet AGL Hobart, Tex.; 1,200 feet AGL Oklahoma City, Okla., including a 1,200 feet AGL S alternate via INT Hobart 076° and Oklahoma City 202° True radials; 1,200 feet AGL Tulsa, Okla., including a 1,200 feet AGL N alternate via INT Oklahoma City 037° and Tulsa 261° True radials, and also a 1,200 feet AGL S alternate via INT Oklahoma City 107° and Tulsa 228° True radials; 1,200 feet AGL Neosho, Mo., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Tulsa 087° and Neosho 223° True radials; 1,200 feet AGL Springfield, Mo., including a 1,200 feet AGL S alternate via INT Neosho 074° and Springfield 210° True radials.

5. V-15 From Galveston, Tex., 1,200 feet AGL via Houston, Tex.; 1,200 feet AGL College Station, Tex., including a 1,200 feet AGL W alternate via INT Houston 287° and College Station 149° True radials; 1,200 feet AGL Waco, Tex., including a 1,200 feet AGL W alternate via INT College Station 307° and Waco 173° True radials; 1,200 feet AGL Dallas, Tex., including a 1,200 feet AGL E alternate and also a 1,200 feet AGL W alternate from Waco to INT of Britton, Tex., 091° and Dallas, 202° True radials via INT Waco 353° and Britton 264° radials, and Britton; 1,200 feet AGL Ardmore, Okla., including a 1,200 feet AGL W alternate via INT Dallas 324° and Ardmore 176° True radials; 1,200 feet AGL Okmulgee, Okla., including a 1,200 feet AGL E alternate and also a 1,200 feet AGL W alternate via INT Ardmore 006° and Okmulgee 245° True radials; 1,200 feet AGL INT Okmulgee 048° and Neosho, Mo., 223° True radials; 1,200 feet AGL Neosho.

6. V-16 From Cochise, Ariz., 1,200 feet AGL via Columbus, N. Mex.; 1,200 feet AGL El Paso, Tex., including a 1,200 feet AGL N alternate via INT Columbus 075° and El Paso 286° True radials; 1,200 feet AGL Salt Flat, Tex.; 1,200 feet AGL Wink, Tex.; 1,200 feet AGL INT Wink 066° and Big Spring, Tex., 260° True radials; 1,200 feet AGL Big Spring, including a 1,200 feet AGL S alternate from Wink to Big Spring via Midland, Tex.; 1,200 feet AGL Abilene, Tex.; 1,200 feet AGL Mineral Wells, Tex.; 1,200 feet AGL INT Mineral Wells 078° and Dallas, Tex., 252° True radials; 1,200 feet AGL Dallas, including a 1,200 feet AGL S alternate via INT Mineral Wells 094° and Dallas 229° True radials; 1,200 feet AGL Sulphur Springs, Tex.; 1,200 feet AGL Texarkana, Ark., including a 1,200 feet AGL N alternate via INT Sulphur Springs 060° and Texarkana 272° True radials, and also a 1,200 feet AGL S alternate via INT Sulphur Springs 090° and Texarkana 240° True radials; 1,200 feet AGL Pine Bluff, Ark.; 1,200 feet AGL Memphis, Tenn., including a 1,200 feet AGL S alternate.

7. V-17 From Laredo, Tex., 1,200 feet AGL via Cotulla, Tex.; 1,200 feet AGL INT Cotulla 041° and San Antonio, Tex., 183° True radials; 1,200 feet AGL San Antonio; 1,200 feet AGL Austin, Tex., including a 1,200 feet AGL W alternate via INT San Antonio 002° and Austin 237° True radials and also a 1,200 feet AGL E alternate via INT San Antonio 057° and Austin 198° True radials; 1,200 feet AGL Waco, Tex., including a 1,200 feet AGL E alternate via INT Austin 046° and Waco 173° True radials; 1,200 feet AGL INT Waco 315° and Mineral Wells, Tex., 197° True radials; 1,200 feet AGL Mineral Wells; 1,200 feet AGL Bridgeport, Tex.; 1,200 feet AGL Duncan, Okla.; 1,200 feet AGL INT Duncan 011° and Oklahoma City, Okla., 180° True radials; 1,200 feet AGL Oklahoma City; 1,200 feet AGL Gage, Okla., including a 1,200 feet AGL W alternate via INT Oklahoma City 282° and Gage 133° True radials.

8. V-18 From Dallas, Tex., 1,200 feet AGL via Quitman, Tex.; 1,200 feet AGL Shreveport, La., including a 1,200 feet AGL S alternate via INT Quitman 109° and Shreveport 246° True radials; 1,200 feet AGL Monroe, La., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Shreveport 117° and Monroe 268° True radials; 1,200 feet AGL Jackson, Miss., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate.

9. V-19 From Newman, Tex., 1,200 feet AGL via INT Newman 287° and Truth or Consequences, N. Mex., 159° True radials; 1,200 feet AGL Truth or Consequences; 1,200 feet AGL INT Truth or Consequences 028° and Socorro, N. Mex., 189° True radials; 1,200 feet AGL Socorro; 1,200 feet AGL Albuquerque, N. Mex., including a 1,200 feet AGL W alternate via INT Socorro 343° and Albuquerque 199° True radials, and also a 1,200 feet AGL E alternate via INT Socorro 015° and Albuquerque 160° True radials; 1,200 feet AGL Santa Fe, N. Mex., including a 1,200 feet AGL W alternate via INT Albuquerque 026° and Santa Fe 253° True radials; 1,200

feet AGL Las Vegas, N. Mex., 1,200 feet AGL Cimarron, N. Mex.; 1,200 feet AGL Pueblo, Colo., including a 1,200 feet AGL E alternate via INT Cimarron 053° and Pueblo 176° True radials.

10. V-20 From Corpus Christi, Tex., 1,200 feet AGL via INT Corpus Christi 054° and Palacious, Tex., 226° True radials; 1,200 feet AGL Palacious, including a 1,200 feet AGL N alternate via INT Corpus Christi 039° and Palacious 241° True radials; 1,200 feet AGL Houston, Tex., including a 1,200 feet AGL N alternate via INT Palacious 016° and Houston 255° True radials; 1,200 feet AGL Beaumont, Tex., including a 1,200 feet AGL N alternate via INT Houston 045° and Beaumont 273° True radials; 1,200 feet AGL Lake Charles, La., including a 1,200 feet AGL N alternate via INT Beaumont 058° and Lake Charles 272° True radials and also a 1,200 feet AGL S alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° True radials and Sabine Pass; 1,200 feet AGL Lafayette, La., including a 1,200 feet AGL N alternate via INT Lake Charles 064° and Lafayette 285° True radials; 1,200 feet AGL New Orleans, La., including a 1,200 feet AGL S alternate from Lafayette to New Orleans via Tibby, La.; 1,200 feet AGL INT New Orleans 070° and Gulfport, Miss., 247° True radials; 1,200 feet AGL Gulfport; 1,200 feet AGL Mobile, Ala., including a 1,200 feet AGL N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate.

11. V-22 From Houston, Tex., 1,200 feet AGL via INT Houston 090° and Sabine Pass, Tex., 265° True radials; 1,200 feet AGL Sabine Pass; 1,200 feet AGL White Lake, La.; 1,200 feet AGL Tibby, La.; 1,200 feet AGL Harvey, La.; 1,200 feet AGL INT Harvey 073° and Brookley, Ala., 240° True radials; 1,200 feet AGL to Brookley.

12. V-54 From Waco, Tex., 1,200 feet AGL via INT Waco 037° and Quitman, Tex., 243° True radials; 1,200 feet AGL Quitman; 1,200 feet AGL Texarkana, Ark.; 1,200 feet AGL INT Texarkana 052° and Little Rock, Ark., 235° True radials; 1,200 feet AGL Little Rock, including a 1,200 feet AGL N alternate via INT Texarkana 037° and Hot Springs, Ark., 223° True radials and Hot Springs; 1,200 feet AGL INT Little Rock 077° and Memphis, Tenn., 261° True radials; 1,200 feet AGL Memphis, including a 1,200 feet AGL N alternate.

13. V-60 From Albuquerque, N. Mex., 1,200 feet AGL via Otto, N. Mex., including a 1,200 feet AGL S alternate via INT Albuquerque 103° and Otto 253° True radials; 1,200 feet AGL Las Vegas, N. Mex.

14. V-61 From Bridgeport, Tex., 1,200 feet AGL via INT Bridgeport 315° and Wichita Falls, Tex., 139° True radials; 1,200 feet AGL Wichita Falls; 1,200 feet AGL Lawton, Okla.

15. V-62 From INT Albuquerque, N. Mex., 329° and Sante Fe, N. Mex., 268° True radials 1,200 feet AGL via Santa Fe; 1,200 feet AGL Anton Chico, N. Mex.; 1,200 feet AGL Texico, N. Mex.; 1,200 feet AGL Plainview, Tex.; 1,200 feet AGL Lubbock, Tex., including a 1,200 feet AGL S alternate from Texico direct Lubbock; 1,200 feet AGL Abilene, Tex.; 1,200 feet AGL INT Abilene 096° and Britton, Tex., 264° True radials; 1,200 feet AGL Britton.

16. V-63 From McAlester, Okla., 1,200 feet AGL via Fayetteville, Ark., 1,200 feet AGL Springfield, Mo.

17. V-66 From Columbus, N. Mex., 1,200 feet AGL El Paso, Tex., including a 1,200 feet AGL N alternate via INT Columbus 075° and El Paso 286° True radials; 6 miles wide, 1,200 feet AGL INT El Paso 112° and Hudspeth, Tex., 281° True radials; 1,200 feet AGL Hudspeth; thence 1,200 feet AGL Pecos, Tex.; 1,200 feet AGL Midland, Tex.; 1,200 feet AGL Hyman, Tex.; 1,200 feet AGL INT Hyman 085° and Abilene, Tex., 251° True radials; 1,200 feet AGL Abilene; 1,200 feet AGL INT Abilene 066° and Bridgeport, Tex., 248° True radials; 1,200 feet AGL Bridgeport; 1,200 feet AGL INT Bridgeport 087° and Sulphur Springs, Tex., 275° True radials; 1,200 feet AGL Sulphur Springs.

18. V-68 From Albuquerque, N. Mex., 1,200 feet AGL via INT Albuquerque 120° and Corona, N. Mex., 311° True radials; 1,200 feet AGL Corona, including a 1,200 feet AGL N alternate via INT Albuquerque 103° and Corona 328° True radials and also a 1,200 feet AGL S alternate via INT Albuquerque 160° and Corona 269° True radials; 41 miles 8,500 feet MSL, 1,200 feet AGL Roswell, N. Mex., including an N alternate 8,500 feet MSL INT Corona 124° and Roswell 335° True radials, 1,200 feet AGL; 1,200 feet AGL Hobbs, N. Mex., including a 1,200 feet AGL S alternate; 1,200 feet AGL INT Hobbs 120° and Midland, Tex., 312° True radials; 1,200 feet AGL Midland, including a 1,200 feet AGL S alternate via INT Hobbs 136° and Midland 283° True radials; 1,200 feet AGL San Angelo, Tex., including a 1,200 feet AGL S alternate via INT Midland 128° and San Angelo 278° True radials; 1,200 feet AGL Junction, Tex., including a 1,200 feet AGL S alternate via INT San Angelo 181° and Junction 310° True radials; 1,200 feet AGL San Antonio, Tex.; 1,200 feet AGL INT San Antonio 167° and Corpus Christi, Tex., 296° True radials; 1,200 feet AGL Corpus Christi; 1,200 feet AGL Harlingen, Tex.; 1,200 feet AGL McAllen, Tex. The airspace within Mexico is excluded.

19. V-69 From Shreveport, La., 1,200 feet AGL via INT Shreveport 087° and El Dorado, Ark., 218° True radials; 1,200 feet AGL El Dorado, including a 1,200 feet AGL W alternate via INT Shreveport 087° and El Dorado 233° True radials; 1,200 feet AGL Pine Bluff, Ark.; 1,200 feet AGL INT Pine Bluff 040° and Walnut Ridge, Ark., 187° True radials; 1,200 feet AGL Walnut Ridge; 1,200 feet AGL Farmington, Mo.

20. V-70 From Corpus Christi, Tex., 1,200 feet AGL via INT Corpus Christi 054° and Palacios, Tex., 226° True radials; 1,200 feet AGL, Palacios; 1,200 feet AGL Galveston, Tex.; 1,200 feet AGL Sabine Pass, Tex.; 1,200 feet AGL Lake Charles, La.; 1,200 feet AGL Lafayette, La.; 1,200 feet AGL Baton Rouge, La., including a 1,200 feet AGL N alternate via INT Lafayette 012° and Baton Rouge 264° True radials; 1,200 feet AGL Picayune, Miss.; 1,200 feet AGL Green County, Miss.

21. V-71 From Baton Rouge, La., 1,200 feet AGL via Natchez, Miss.; 1,200 feet AGL Monroe, La.; 1,200 feet AGL El Dorado, Ark.; 1,200 feet AGL Hot Springs, Ark.; 1,200 feet AGL INT Hot Springs 358° and Harrison, Ark., 176° True radials; 1,200 feet AGL Harrison; 1,200 feet AGL Springfield, Mo., including a 1,200 feet AGL W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate.

22. V-72 From Fayetteville, Ark., 1,200 feet AGL via Dogwood, Mo.; 1,200 feet AGL Maples, Mo.

23. V-74 From Anthony, Kans., 1,200 feet AGL via Ponca City, Okla.; 1,200 feet AGL Tulsa, Okla., including a 1,200 feet AGL N alternate via INT Ponca City 094° and Tulsa 319° True radials; 1,200 feet AGL Fort Smith, Ark., including a 1,200 feet AGL N alternate via INT Tulsa 087° and Fort Smith 318° True radials, and also a 1,200 feet AGL S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; 1,200 feet AGL Little Rock, Ark., including a 1,200 feet AGL N alternate and also a 1,200 feet AGL S alternate via INT Fort Smith 133° and Little Rock 278° True radials; 1,200 feet AGL Pine Bluff, Ark.; including a 1,200 feet AGL N alternate via INT Little Rock 137° and Pine Bluff 006° True radials.

24. V-76 From Lubbock, Tex., 1,200 feet AGL via INT Lubbock 188° and Big Spring, Tex., 286° True radials; 1,200 feet AGL Big Spring, including a 1,200 feet AGL N alternate from Lubbock direct Big Spring, excluding the airspace between the main and this N alternate; 1,200 feet AGL Hyman, Tex.; 1,200 feet AGL San Angelo, Tex.; 1,200 feet AGL Llano, Tex.; 1,200 feet AGL Austin, Tex., including a 1,200 feet AGL S alternate via INT Llano 129° and Austin 257° True radials; 1,200 feet AGL Industry, Tex.; 1,200 feet AGL INT Industry 104° and Houston, Tex., 287° True radials; 1,200 feet AGL Houston, including a 1,200 feet AGL S alternate from Industry to Houston via Eagle Lake, Tex.; 1,200 feet AGL Galveston, Tex.

25. V-77 From San Angelo, Tex., 1,200 feet AGL via Abilene, Tex.; 1,200 feet AGL Wichita Falls, Tex., including a 1,200 feet AGL E alternate; 1,200 feet AGL INT Wichita Falls 028° and Oklahoma City, Okla., 202° True radials; 1,200 feet AGL Oklahoma City, including a 1,200 feet AGL E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° True radials, Duncan, INT Duncan 011° and Oklahoma City 180° True radials; 1,200 feet AGL Ponca City, Okla., including a 1,200 feet AGL E alternate via INT Oklahoma City 037° and Ponca City 186° True radials; 1,200 feet AGL INT Ponca City 327° and Wichita, Kans., 225° True radials; 1,200 feet AGL Wichita.

26. V-79 From Hobbs, N. Mex., 1,200 feet AGL via INT Hobbs 073° and Lubbock, Tex., 188° True radials; 1,200 feet AGL Lubbock.

27. V-81 From Midland, Tex., 1,200 feet AGL via Lubbock, Tex.; 1,200 feet AGL Plainview, Tex.; 1,200 feet AGL Amarillo, Tex., including a 1,200 feet AGL E alternate; 1,200 feet AGL Dalhart, Tex.; 1,200 feet AGL Tobe, Colo.

28. V-83 From Carlsbad, N. Mex., 1,200 feet AGL via Roswell, N. Mex.; 40 miles, 1,200 feet AGL, 8,500 feet MSL Corona, N. Mex., including an E alternate 1,200 feet AGL via INT Roswell 335° and Corona 124° True radials, 8,500 feet MSL Corona; 1,200 feet AGL Otto, N. Mex., 1,200 feet AGL Santa Fe, N. Mex.; 1,200 feet AGL Taos, N. Mex.; 1,200 feet AGL Alamosa, Colo.

29. V-88 From Tulsa, Okla., 1,200 feet AGL via INT Tulsa 044° and Springfield, Mo., 261° True radials; 1,200 feet AGL Springfield.

30. V-94 From San Simon, Ariz., 1,200 feet AGL via Deming, N. Mex.; 1,200 feet AGL Newman, Tex., including a 1,200 feet AGL S alternate via INT Deming 121° and Newman 271° True radials; 1,200 feet AGL INT Newman 091° and Salt Flat, Tex., 312° True radials; 1,200 feet AGL Salt Flat; 1,200 feet AGL Wink, Tex.; 1,200 feet AGL Midland, Tex.; 1,200 feet AGL Hyman, Tex.; 1,200 feet AGL Dyess, Tex.; 1,200 feet AGL INT Dyess 084° and Britton, Tex., 264° True radials; 1,200 feet AGL Britton; 1,200 feet AGL Gregg County, Tex.; 1,200 feet AGL Barksdale AFB, La.; 1,200 feet AGL Monroe, La.

31. V-95 From Winslow, Ariz., 66 miles, 1,200 feet AGL, 39 miles, 12,500 feet MSL, 1,200 feet AGL Farmington, N. Mex.

32. V-102 From Salt Flat, Tex., 1,200 feet AGL via Deming, N. Mex.; 1,200 feet AGL Hobbs, N. Mex.; 1,200 feet AGL Lubbock, Tex.; 1,200 feet AGL Guthrie, Tex.; 1,200 feet AGL Wichita Falls, Tex., including a 1,200 feet AGL S alternate via INT Guthrie 103° and Wichita Falls 247° True radials.

33. V-110 From Deming, N. Mex., 1,200 feet AGL Truth or Consequences, N. Mex.

34. V-114 From Amarillo, Tex., 1,200 feet AGL via Childress, Tex., including a 1,200 feet AGL S alternate; Wichita Falls, Tex., including a 1,200 feet AGL S alternate via INT Childress 120° and Wichita Falls 262° True radials; 1,200 feet AGL INT Wichita Falls 122° and Dallas, Tex., 299° True radials; 1,200 feet AGL Dallas; 1,200 feet AGL INT Dallas 113° and Gregg County, Tex., 290° True radials; 1,200 feet AGL Gregg County, including a 1,200 feet AGL N alternate from Dallas to Gregg County via Quitman, Tex., and also a 1,200 feet AGL S alternate via INT Dallas 130° and Gregg County 273° True radials; 1,200 feet AGL INT Gregg County 123° and Alexandria, La., 300° True radials;

1,200 feet AGL Alexandria, including a 1,200 feet AGL N alternate from Gregg County to Alexandria via Shreveport, La., and INT Shreveport 176° and Alexandria 300° True radials; 1,200 feet AGL Baton Rouge, La.; 1,200 feet AGL New Orleans, La., including a 1,200 feet AGL N alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° True radials.

35. V-131 From McAlester, Okla., 1,200 feet AGL via Okmulgee, Okla.; 1,200 feet AGL Tulsa, Okla.; 1,200 feet AGL Chanute, Kans.

36. V-140 From Amarillo, Tex., 1,200 feet AGL via Sayre, Okla., including a 1,200 feet AGL N alternate via INT Amarillo 072° and Sayre 288° True radials; 1,200 feet AGL Kingfisher, Okla.; 1,200 feet AGL INT Kingfisher 072° and Tulsa, Okla., 261° True radials; 1,200 feet AGL Tulsa; 1,200 feet AGL Fayetteville, Ark., including a 1,200 feet AGL N alternate via INT Tulsa 059° and Fayetteville 284° True radials; 1,200 feet AGL Harrison, Ark.; 1,200 feet AGL Walnut Ridge, Ark.; 1,200 feet AGL Dyersburg, Tenn.

37. V-161 From Greater Southwest, Tex., 1,200 feet AGL via INT Greater Southwest 318° and Ardmore, Okla., 192° radials; 1,200 feet AGL Ardmore; 1,200 feet AGL Okmulgee, Okla.; 1,200 feet AGL Tulsa, Okla.; 1,200 feet AGL Oswego, Kans.

38. V-163 From Brownsville, Tex., 1,200 feet AGL via INT Brownsville 347° and Corpus Christi, Tex., 191° True radials; 1,200 feet AGL Corpus Christi, including a 1,200 feet AGL W alternate from Brownsville to INT Brownsville 347° and Corpus Christi 191° True radials via Harlingen, Tex.; 1,200 feet AGL INT Corpus Christi 313° and San Antonio, Tex., 183° True radials; 1,200 feet AGL San Antonio; 1,200 feet AGL INT San Antonio 002° and Lometa, Tex., 173° True radials; 1,200 feet AGL Lometa, including a 1,200 feet AGL W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° True radials and Llano; 1,200 feet AGL Mineral Wells, Tex.; 1,200 feet AGL Bridgeport, Tex.; 1,200 feet AGL Ardmore, Okla.; 1,200 feet AGL INT Ardmore 342° and Oklahoma City, Okla., 154° True radials; 1,200 feet AGL Oklahoma City, including a 1,200 feet AGL W alternate via INT Ardmore 327° and Oklahoma City 180° True radials and also a 1,200 feet AGL E alternate via INT Ardmore 006° and Oklahoma City 107° True radials.

39. V-180 From San Antonio, Tex., 1,200 feet AGL via Eagle Lake, Tex.; 1,200 feet AGL; Galveston, Tex.

40. V-187 From Albuquerque, N. Mex., 1,200 feet AGL Farmington, N. Mex.

41. V-190 From St. Johns, Ariz., 1,200 feet AGL via Albuquerque, N. Mex., including a 1,200 feet AGL N alternate from St. Johns to Albuquerque via INT St. Johns 053° and Grants, N. Mex., 252° True radials and Grants; 1,200 feet AGL Las Vegas, N. Mex.; 19 miles, 1,200 feet AGL, 72 miles, 9,000 feet MSL, 1,200 feet AGL Dalhart, Tex.; 14 miles, 1,200 feet AGL, 82 miles, 6,000 feet MSL, 1,200 feet AGL Gage, Okla.; 1,200 feet AGL INT Gage 059° and Ponca City, Okla., 280° True radials; 1,200 feet AGL Ponca City; 1,200 feet AGL INT Ponca City 094° and Bartlesville, Okla., 256° True radials; 1,200 feet AGL Bartlesville; 1,200 feet AGL INT Bartlesville 075° and Oswego, Kans., 233° True radials; 1,200 feet AGL Oswego; 1,200 feet AGL INT Oswego 085° and Springfield, Mo., 261° True radials; 1,200 feet AGL Springfield.

42. V-192 From Socorro, N. Mex., 1,200 feet AGL via Corona, N. Mex., 15 miles, 1,200 feet AGL, 35 miles, 10,500 feet MSL, 1,200 feet AGL Tucumcari, N. Mex.

43. V-194 From Lafayette, La., 1,200 feet AGL via Baton Rouge, La.; 1,200 feet AGL McComb, Miss.

44. V-198 From Columbus, N. Mex., 1,200 feet AGL via El Paso, Tex., 6 miles wide, 1,200 feet AGL INT El Paso 112° and Hudspeth, Tex., 281° True radials; 1,200 feet AGL Hudspeth; thence 29 miles, 1,200 feet AGL; 37 miles, 8,200 feet MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° True radials; 18 miles, 8,200 feet MSL, 1,200 feet AGL Fort Stockton; 20 miles, 1,200 feet AGL, 116 miles, 5,500 feet MSL, 1,200 feet AGL Junction, Tex.; 1,200 feet AGL San Antonio, Tex.; 1,200 feet AGL Eagle Lake, Tex.; 1,200 feet AGL Houston, Tex.

45. V-202 From Cochise, Ariz., 1,200 feet AGL via San Simon, Ariz.; 1,200 feet AGL Silver City, N. Mex.; 1,200 feet AGL Truth or Consequences, N. Mex.

46. V-205 From Walnut Ridge, Ark., 1,200 feet AGL via Dogwood, Mo.; 1,200 feet AGL Springfield, Mo.

47. V-212 From San Antonio, Tex., 1,200 feet AGL via INT San Antonio 089° and Industry, Tex., 233° True radials; 1,200 feet AGL Industry; 1,200 feet AGL Navasota, Tex.; 1,200 feet AGL Lufkin, Tex.; 1,200 feet AGL Alexandria, La.; 1,200 feet AGL McComb, Miss.

48. V-222 From El Paso, Tex., 1,200 feet AGL via Salt Flat, Tex.; 1,200 feet AGL Fort Stockton, Tex.; 20 miles, 1,200 feet AGL, 116 miles, 5,500 feet MSL, 1,200 feet AGL Junction, Tex.; 1,200 feet AGL INT Junction 112° and San Antonio, Tex., 334° True radials; 1,200 feet AGL San Antonio; 1,200 feet AGL INT San Antonio 074° and Industry, Tex., 264° True radials; 1,200 feet AGL Industry; 1,200 feet AGL INT Industry 104° and Houston, Tex., 287° True radials; 1,200 feet AGL Houston; 1,200 feet AGL Beaumont, Tex.; 1,200 feet AGL Lake Chartles, La., including a 1,200 feet AGL N alternate from Houston to Lake Chartles via Daisetta, Tex.; 1,200 feet AGL McComb, Miss.

49. V-234 From Anton Chico, N. Mex., 1,200 feet AGL via INT Anton Chico 067° and Dalhart, Tex., 243° True radials; 1,200 feet AGL Dalhart; 1,200 feet AGL Liberal, Kans.

50. V-240 From New Orleans, La., 1,200 feet AGL via INT New Orleans 085° and Mobile, Ala., 224° True radials; 1,200 feet AGL Mobile.

51. V-245 From Alexandria, La., 1,200 feet AGL via Natchez, Miss.; 1,200 feet AGL Jackson, Miss.

52. V-263 From Cimarron, N. Mex., 1,200 feet AGL Tobe, Colo.

53. V-264 From St. Johns, Ariz., 29 miles, 1,200 feet AGL; 51 miles, 11,500 feet MSL, 1,200 feet AGL Socorro, N. Mex.

54. V-272 From Dalhart, Tex., 1,200 feet AGL via Borger, Tex.; 1,200 feet AGL Sayre, Okla.; 1,200 feet AGL Oklahoma City, Okla., including a 1,200 feet AGL N alternate via INT Sayre 070° and Oklahoma City, 282° True radials and also a 1,200 feet AGL S alternate via INT Sayre 101° and Oklahoma City 242° True radials; 1,200 feet AGL INT Oklahoma City, 107° and McAlester, Okla., 292° True radials; 1,200 feet AGL McAlester.

55. V-278 From Texico, N. Mex., 1,200 feet AGL via Plainview, Tex.; 1,200 feet AGL Guthrie, Tex.; 1,200 feet AGL Bridgeport, Tex.; 1,200 feet AGL Dallas, Tex.; 1,200 feet AGL Paris, Tex.; 1,200 feet AGL Texarkana, Ark.; 1,200 feet AGL; Greenwood, Miss.

56. V-280 From El Paso, Tex., 1,200 feet AGL via INT El Paso 093° and Pinon, N. Mex., 219° True radials; 1,200 feet AGL Pinon; 1,200 feet AGL Roswell, N. Mex.; 1,200 feet AGL INT Roswell 063° and Texico, N. Mex., 216° True radials; Texico, including a 1,200 feet AGL S alternate via INT Roswell 080° and Texico 216° True radials; 1,200 feet AGL INT Texico 021° and Amarillo, Tex., 267° True radials; 1,200 feet AGL Amarillo. From Gage, Okla., 1,200 feet AGL Hutchinson, Kans.

57. V-284 From Fort Stockton, Tex., 20 miles, 1,200 feet AGL, 87 miles, 6,000 feet MSL, 1,200 feet AGL San Angelo, Tex.

58. V-289 From Beaumont, Tex., 1,200 feet AGL via INT Beaumont 334° and Lufkin, Tex., 160° True radials; 1,200 feet AGL Lufkin, including a 1,200 feet AGL E alternate; 1,200 feet AGL INT Lufkin 355° and Gregg County, Tex., 181° True radials; 1,200 feet AGL Gregg County; 1,200 feet AGL Texarkana, Ark.; 1,200 feet AGL Fort Smith, Ark.

59. V-291 From Winslow, Ariz., 1,200 feet AGL via Gallup, N. Mex.; 1,200 feet AGL Grants, N. Mex.

60. V-303 From Hot Springs, Ark., 1,200 feet AGL Fort Smith, Ark., including a 1,200 feet AGL E alternate via INT Hot Springs 335° and Fort Smith 097° True radials.

61. V-304 From Amarillo, Tex., 1,200 feet AGL via Borger, Tex., 1,200 feet AGL Liberal, Kans., including a 1,200 feet AGL W alternate via INT Borger 354° and Liberal 234° True radials.

62. V-305 From El Dorado, Ark., 1,200 feet AGL Little Rock, Ark.

63. V-306 From Austin, Tex., 1,200 feet AGL via Navasota, Tex.; 1,200 feet AGL Daisetta, Tex.

64. V-315 From Paris, Tex., 1,200 feet AGL Page, Okla.

65. V-421 From Zuni, N. Mex., 1,200 feet AGL Gallup, N. Mex.; 1,200 feet AGL Farmington, N. Mex.

66. V-455 From New Orleans, La., 1,200 feet AGL via Picayune, Miss.; 1,200 feet AGL Hattiesburg, Miss., including a 1,200 feet AGL E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° True radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° True radials, and also a 1,200 feet AGL W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° True radials.

67. V-477 From Houston, Tex., 1,200 feet AGL via Leona, Tex., including a 1,200 feet AGL E alternate via INT Houston 354° and Leona 143° True radials and also a 1,200 feet AGL W alternate via INT Houston 314° and Leona 173° True radials; 1,200 feet AGL INT Leona 338° and Dallas, Tex., 170° True radials; 1,200 feet AGL Dallas, including a 1,200 feet AGL E alternate.

68. V-516 From Anthony, Kans., 1,200 feet AGL via Ponca City, Okla., 1,200 feet AGL Oswego, Kans.

69. V-530 From Texico, N. Mex., 1,200 feet AGL to Childress, Tex.

In those instances where a floor of 1,200 feet above the surface has been proposed, the floor is necessary for aircraft to climb from an airport to minimum en route altitude, for climb from one en route altitude to a higher en route altitude, for compatibility with crossing airway segments and for aeronautical chart legibility. The substitution of the Tulsa, Okla., 087° True radial for the 088° True radial in the descriptions of V-14 south alternate and V-74 north alternate is the result of recent mathematical computations based on refined geodetic positions of the Tulsa and Fayetteville, Ark., VORTACs.

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

Issued in Washington, D.C., on November 22, 1965.

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

[F.R. Doc. 65-12749; Filed, Nov. 29, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16255; RM-848]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS; TALLAHASSEE, FLA.

Order Extending Time for Filing Comments

1. On October 25, 1965, the Commission released a notice of proposed rule making (FCC 65-953) in this proceeding, inviting comments on a proposal to amend the FM Table of Assignments by adding Channel 281 to Tallahassee, Fla. The date given for filing comments was November 22, 1965, and for reply comments was December 7, 1965. On November 22, 1965, WMEN, Inc., the proponent of the subject rule making, filed a request for extension of time for filing comments until November 29, 1965. Petitioner points out that the notice invited comments on the issue of whether the proposed assignment would preclude the use of that or adjacent channels in other communities which may in the future need such assignments. Petitioner submits that its consulting engineer cannot complete the necessary study in time and that a brief extension is needed.

2. We are of the view that good cause has been shown for granting the requested extension. *Accordingly, it is ordered,* This 23d day of November 1965, that the time for filing comments is extended from November 22, 1965, until November 29, 1965, and that the time for filing reply comments is extended from December 7, 1965, until December 17, 1965.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Released: November 23, 1965.

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

[F.R. Doc. 65-12781; Filed, Nov. 29, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

TENNECO CHEMICALS, INC., NEWPORT DIVISION

Notice of Filing of Petition for Food Additives Rosins and Rosin Derivatives

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 6B1894) has been filed by Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla., 32502, proposing that paragraph (a)(2)(iii) of § 121.2592 *Rosins and rosin derivatives* be amended by changing it to read as follows:

(iii) Partially dimerized rosin, dimerized by sulfuric acid or zinc chloride catalyst to a drop-softening point of 95° C.–120° C., and a color of N or paler.

Dated: November 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12779; Filed, Nov. 29, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Notice of Determination

In conformity with Title 13 U.S.C. 181, 224, and 225, and due Notice of Consideration having been published October 29, 1965 (30 F.R. 13792), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential governmental functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1965, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measured reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." In addition, a number of selected multiunit firms will be requested to provide information on the location of establishments maintaining canned food stocks that are not currently reporting in the Canned Food Survey.

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C., 20233.

Reports are due 8 days after receipt of the report forms.

I have therefore directed that this annual survey be conducted for the purpose of collecting these data.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 65-12741; Filed, Nov. 29, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-19]

CHEVRON RESEARCH CO.

Notice of Filing of Petition for Rule Making

Please take notice that Chevron Research Co., 576 Standard Avenue, Richmond, Calif., by letter dated November 5, 1965, has filed with the Commission a petition for rule making to amend the Commission's regulation, Licensing of Byproduct Material, 10 CFR Part 30.

The amendment proposed by the petitioner would amend Part 30 so as to issue a general license for scandium 46 contained in a synthetic plastic resin at concentrations not exceeding 14×10^{-4} microcurie per milliliter, the resin to be used exclusively for subterranean marking in oil wells. The concentration of 14×10^{-4} μc/ml is 3.5 times the present exempt concentration of 4×10^{-4} μc/ml for scandium 46 in section 30.70, Schedule A, of Part 30.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 22d day of November 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-12739; Filed, Nov. 29, 1965; 8:45 a.m.]

[Docket No. 27-17]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; NATIONAL INSTITUTES OF HEALTH

Notice of Amendment of Byproduct Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 3 to License No. 19-296-11, authorizing disposal at sea of waste radioactive material, held by the Department of Health, Education, and Welfare, National Institutes of Health, Bethesda, Md., which provides for renewal of the license for a period of 2 years. The license renewal provides only for the continuation of activities previously authorized.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing by any party and petitions to intervene shall be filed in accordance with the Commission's regulations (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.

The text of this amendment is attached to this notice.

Dated at Bethesda, Md., November 22, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 19-296-11; Admt. 3]

The Atomic Energy Commission having found that:

A. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

B. The application for license amendment dated July 22, 1965, and amendment thereto dated October 4, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by that act;

C. The licensee's equipment and facilities are adequate to protect health and minimize danger to life or property.

Byproduct Material License No. 19-296-11 is amended as follows:

This license shall expire two (2) years from the last day of the month in which this amendment is issued.

Date of issuance: November 22, 1965.

For the Atomic Energy Commission.

J. A. McBride,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-12740; Filed, Nov. 29, 1965; 8:45 a.m.]

URANIUM HEXAFLUORIDE

Charges and Specifications

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Special Nuclear Materials: Base Charges, Special Charges, Specifications and Packaging" as published in the Federal Register on May 30, 1961 (26 F.R. 4765), and as amended in 27 F.R. 5006 of May 29, 1962; 27 F.R. 5155 of June 1, 1962; and 29 F.R. 5098 of April 14, 1964 (referred to herein as the notice).

1. The last sentence of the paragraph immediately following the tabulation of base charges for enriched uranium given in Table 1 of the notice is revised to read as follows:

When the assay of enriched uranium is less than 0.0075, the base charge will be determined by linear interpolation between the base charge for 0.0075 material and a value of $23.46 per Kg U for normal uranium (0.00711 weight fraction U-235) in the form of UF_6.

2. The last sentence of the paragraph immediately following the tabulation of base charges for depleted uranium given in Table 2 of the notice is revised to read as follows:

When the assay of depleted uranium is greater than 0.0070, the base charge will be determined by linear interpolation between the base charge for 0.0070 material and a value of $23.46 per Kg U for normal uranium (0.00711 weight fraction U-235) in the form of UF_6.

3. The second and third sentences of paragraph 1 of the notice are revised to read as follows:

This notice does not apply to uranium-233 nor to uranium having the isotopic composition of naturally occurring uranium, except for specifications for UF_6 delivered to AEC. The data contained in this notice pertain to domestic arrangements and, to the extent appropriate, to foreign arrangements for lease or sale of enriched UF_6 and for sale of depleted UF_6, entered into by AEC pursuant to the Atomic Energy Act of 1954, as amended.

4. The first sentence of subparagraph A of Table 3 of the notice is revised to read as follows:

Enriched or depleted uranium furnished as UF_6 shall consist of at least 99.5 percent by weight UF_6.

5. Paragraph 6 of the notice is revised to read as follows:

Specifications for UF_6 delivered to AEC. 6. Specifications for UF_6 delivered to AEC, whether the material contains normal uranium or uranium depleted or enriched in the isotope U-235, are set forth in Table 4.

6. Table 4 of the notice is revised to read as follows:

Table 4—Specifications for UF_6 Delivered to AEC

Item [1]	*Numerical value*
Maximum vapor pressure of filled container at 200° F. in pounds per square inch, absolute	75
Minimum weight percent of UF_6 in material	99.5
Maximum mol percent of hydrocarbons, chlorocarbons, and partially substituted halohydrocarbons	0.01
Maximum number of parts of elements indicated per million parts of total uranium:	
Antimony	1
Bromine	5
Chlorine	100
Niobium	1
Phosphorus	50
Ruthenium	1
Silicon	100
Tantalum	1
Titanium	1
Total of elements forming nonvolatile fluorides (having a vapor pressure of one atmosphere or less at 300° C.), e.g., aluminum, barium, bismuth, cadmium, calcium, chromium, copper, iron, lead, lithium, magnesium, manganese, nickel, potassium, silver, sodium, strontium, thorium, tin, zinc, and zirconium	300
Maximum number of parts of elements or isotopes indicated per million parts of U-235:	
Chromium	1500
Molybdenum	300
Tungsten	200
Vanadium	200
Uranium-233	(2)
Uranium-232	(2)
Maximum thermal neutron absorption of total impurity elements as equivalent parts of boron per million parts of total uranium	8
Maximum total of gamma activity due to fission products and uranium-237 as percent of gamma activity of aged natural uranium and as measured in a high-pressure ionization chamber (Drawing D-AWM-8796 of Nuclear Division, Union Carbide Corp.)	20
Maximum beta activity due to fission products as percent of beta activity of aged natural uranium	10
Maximum number of parts of plutonium per billion parts of total uranium	1
Maximum alpha activity from all transuranic elements in disintegrations per minute per gram of total uranium	(2)

[1] All specification analyses on UF_6 shall be performed on samples removed in the liquid state from each cylinder while its contents are liquid and homogeneous.

[2] Because of interference of the gamma rays from U-233 and U-232 and their decay products with the use of existing monitoring equipment in the diffusion plants, the figures in the table would be 90 for U-233 and 0.011 for U-232 in parts per million parts of U-235 if such concentrations, resulting from high irradiation levels in reactors, were present in all the feed to the diffusion plants. Similarly, the isotope plutonium-238 and other transuranic elements resulting from high irradiation levels in reactors, if present in all the feed to the diffusion plants, would require a specification of 150 disintegrations per minute per gram of total uranium for the maximum alpha activity from such transuranic elements, for protection against health hazards in the maintenance of existing equipment in the diffusion plants. These matters are under study with a view to future establishment of specifications for U-233 and U-232 concentrations and for alpha activity, taking account of expected feeds to the diffusion plants and of possible changes in equipment and procedures.

7. Paragraph 12 of the notice is revised to read as follows:

Charges for special services. 12. When the AEC is requested and agrees to perform a service not covered in the charges given in the notice, such as certifying properties of UF_6 or isotopic variation and precision limits other than those given in Table 3 of the notice, special charges may apply. Inquiries as to such charges should be directed to the AEC Oak Ridge Operations Office.

8. Tables 8 and 9 of the notice are deleted.

Effective date. This notice shall become effective as of January 1, 1966.

Dated at Germantown, Md., this 26th day of November 1965.

For the Atomic Energy Commission.

R. E. Hollingsworth,
General Manager.

[F.R. Doc. 65-12828; Filed, Nov. 29, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16299; FCC 65M-1532]

RADIO MARSHALL, INC.

Order Scheduling Hearing

In re application of Radio Marshall, Inc., Marshall, Tex., Docket No. 16299, File No. BPH-4603; for construction permit:

It is ordered, This 22d day of November 1965, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on January 13, 1966, at 10 a.m.; and that a prehearing conference shall be held on December 17, 1965, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: November 23, 1965.

Federal Communications Commission,
[seal] Ben F. Waple,
Secretary.

[F.R. Doc. 65-12782; Filed, Nov. 29, 1965; 8:49 a.m.]

[Docket Nos. 16260-16265; FCC 65M-1531]

WESTERN UNION TELEGRAPH CO. AND CALIFORNIA INTERSTATE TELEPHONE CO.

Order Continuing Prehearing Conference

In re applications of The Western Union Telegraph Co., Docket No. 16260, File No. T-C-1661-10, for removal of

restrictions on the use of certain existing facilities in the Domestic Public Point-to-Point Microwave Radio Service between Pasadena and Goldstone, Calif.; and California Interstate Telephone Co., for a construction permit to add new facilities to Station KMW61 in the Domestic Public Point-to-Point Microwave Radio Service at Barstow, Calif., Docket No. 16261, File No. 6844–C1–P65; and for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at: Goldstone Echo, Calif., Docket No. 16262, File No. 6845–C1–P65; Lane Mountain, Calif., Docket No. 16263, File No. 6846–C1–P65; Ford Mountain, Calif., Docket No. 16264, File No. 6847–C1–P65; Fort Irwin, Calif., Docket No. 16265, File No. 6848–C1–P65:

It is ordered, This 23d of November 1965, that the unopposed motion for continuance of prehearing conference filed by counsel for California Interstate Telephone Co. on November 22, 1965, for time to negotiate a resolution of this controversy, is granted, and the prehearing conference is further rescheduled from November 24 to December 10, 1965, at 10 a.m.

Released: November 23, 1965.

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

[F.R. Doc. 65–12783; Filed, Nov. 29, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66–152]

CITY OF BROOKSVILLE, KY., AND KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 15, 1965, the City of Brooksville, Ky. (Applicant), filed in Docket No. CP66–152 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Kentucky Gas Transmission Corp. (Respondent) to connect its facilities with the facilities to be constructed by Applicant and to sell natural gas to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, located in Bracken County, Ky., states that it has 198 applications for gas service and estimates that the annual and peak day requirements during the first 3 years of proposed operations will be as follows:

	First year	Second year	Third year
Annual (Mcf)	21,830	37,286	39,269
Peak day (Mcf)	141	240	253

Applicant's total projected cost of construction of its proposed distribution system is $160,000, which is to be financed by a loan from the Housing and Home Finance Agency.

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 13, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12750; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP61–92]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

NOVEMBER 22, 1965.

Take Notice that on November 15, 1965, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP61–92 a petition to amend the certificate of public convenience and necessity issued in said docket on January 11, 1965, and amended on June 2, 1965, which certificate authorized the construction and operation of certain facilities and the exchange of natural gas with Northern Natural Gas Co. (Northern). By the instant filing, Petitioner requests the further amendment of the certificate to authorize the construction and operation of approximately 0.25 mile of 4½-inch O.D. pipeline and a measuring and regulating station which are necessary to connect a recently developed well in Ochiltree County, Tex., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it now has additional quantities of gas available for delivery to Northern which are to be produced from the well denominated as Buzzard No. 1 and that Northern and Petitioner have agreed, by letter agreement dated August 17, 1965, to supplement Exhibit B to Petitioner's Rate Schedule Z–1, FPC Gas Tariff, Third Revised Volume No. 2, by addition of the aforementioned well. This agreement provides for delivery by Petitioner to Northern, on an exchange basis under Rate Schedule Z–1, of natural gas attributable to Petitioner's interest in such well.

The estimated cost of the facilities to be constructed is $6,900, which cost is to be financed from working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–12751; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66–153]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 15, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66–153 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas to California-Pacific Utilities Co. (Cal-Pac) for transportation to and resale and general distribution in the community of North Powder, Oreg., and environs, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a positive type measuring and regulating station, and necessary appurtenances, to be located adjacent to its 22-inch O.D. Northwest Division mainline in Union County, Oreg. Applicant states that the proposed deliveries of natural gas to Cal-Pac would be made at the outlet of such facility and that Cal-Pac would then transport the gas so delivered through facilities proposed to be constructed by it to points of resale and distribution in the community of North Powder, Oreg., and environs.

The application states that Cal-Pac proposes to construct and operate approximately 3.1 miles of 4-inch transmission and distribution pipeline extending from Applicant's proposed measuring and regulating station to a point of termination in the immediate vicinity of North Powder, Oreg., at an estimated cost of $55,945.

Applicant states that the estimated maximum daily and annual natural gas requirements of Cal-Pac during the third full year of proposed natural gas service will be 119 Mcf and 12,376 Mcf, respectively. The sales and deliveries which are the subject of the instant application are proposed to be made in accordance with and at rates contained in Applicant's Rate Schedule DS–1, FPC Gas Tariff, Original Volume No. 3.

Applicant states that if the instant application is approved prior to the grant of authorizations sought by it in its application filed in Docket No. CP66–27[1] the facility and service embraced by the instant application will be divested by Applicant to Northwest Pipeline Corporation under authorizations sought by Applicant in the aforementioned Docket No. CP66–27, otherwise, Northwest Pipe-

[1] See Notice of Applications, Consolidation of Proceedings and Requirement to File Testimony, 30 F.R. 11003, Aug. 25, 1965, regarding application of Applicant and applications of Northwest Pipeline Corporation in Docket Nos. CP66–28, CP66–29, and CP66–30, relating to the divestiture by Applicant of its Northwest Division System.

line Corp. will be substituted as the party applicant under the instant application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12752; Filed, Nov. 29, 1965; 8:46 a.m.]

[Project 2551]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Application for License for Constructed Project

NOVEMBER 22, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Indiana & Michigan Electric Co. (correspondence to: H. B. Cohn, Vice President, Indiana & Michigan Electric Co., Post Office Box 7, Church Street Station, New York, N.Y., 10008) for license for constructed Project No. 2551, known as the Buchanan Project, located on St. Joseph River, Berrien County, Mich., in the vicinity of Buchanan and Niles.

The existing project consists of: (1) A concrete gravity dam approximately 13 feet high and 387 feet long with crest elevation 634.07 feet topped by flashboards 3.63 feet high, raising the headwater crest to 637.7 feet; (2) a reservoir approximately 8 miles in length with an area of approximately 300 acres; (3) a forebay with a trash boom; (4) an integral intake powerhouse of brick construction approximately 272 feet long, 29 feet wide and 34 feet high, housing 6 turbines rated 475 horsepower each at 14.5-foot head and 4 turbines rated at 585 horsepower at 14-foot head (ten generators, of which six are rated at 480 kva and four rated at 563 kva at 0.8 powerfactor); (5) a 2,670 kva three phase 34.5–12–2.3 kv step-up transformer located in a 34.5 kv switching station adjacent to the powerhouse; and (6) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is January 10, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12753; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66-151]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 12, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP66-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing temporary winter demand service to its existing customers for the period beginning with the billing month of December, 1965, and ending with the billing month of March, 1966, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in reviewing its mainline construction program and determining which facilities would be ready for service by the billing month of December, its engineers determined that approximately 30,000 Mcf of gas per day would be available over and above the capacity required to provide the contract demand requirements of its customers which are effective for the 1965–66 heating season. Applicant further states that this additional volume of gas has been made available to its customers on a prorated basis to be utilized in the greatest part for processing and peak shaving for firm and small volume consumers.

Applicant proposes to make the temporary winter service available to its customers at a uniform demand charge of $4.50 per Mcf per month and the present commodity charge for the applicable rate zone. Revenues for the proposed service are estimated at $1,306,630 for the 4-month period.

Applicant states that no additional facilities will be required to provide the proposed service and, therefore, no financing will be necessary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12754; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66-149]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 10, 1965, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky., 42301, filed in Docket No. CP66-149 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities and the increase in Contract Demand service to existing customers for the 1966–67 and 1967–68 winter heating seasons, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the service proposed is for its existing customers and that the proposed increases in Contract Demand are based upon a detailed market survey and include all of the increases in peak day volumes which Applicant has been requested to provide.

Applicant proposes to construct and operate over a 2-year period the following facilities:

(a) Approximately 148.19 miles of pipeline varying in diameter from 4 to 36 inches,

(b) One 30-inch Cumberland River crossing in Kentucky,

(c) One 30-inch Ohio River crossing near Madison, Ind.

(d) One 26-inch Atchafalaya River crossing near Morgan City, La.,

(e) One 16-inch Ohio River crossing near Evansville, Ind., and

(f) 23,430 compressor horsepower.

Applicant also proposes to increase the deliverability from the existing Hanson, Ky., Storage Field by 40,000 Mcf of gas per day and to activate the White River Storage Field located in Pike County, Ind., with an initial withdrawal capacity of 5,000 Mcf of gas per day.

Applicant requests authority to abandon approximately 34.65 miles of pipeline varying in diameter from 2 to 4 inches. Applicant states that the pipelines to be abandoned are in poor condi-

tion and will be replaced with new pipe in order to assure continuity of service in the affected areas of its pipeline.

Applicant also requests authority to reduce the Contract Demand of Arkansas Louisiana Gas Co. to 28,110 Mcf of gas effective November 1, 1966. Service of the reduced Contract Demand will be rendered under Applicant's CD-1 Rate Schedule.

Applicant proposes to deliver an additional 55,429 Mcf of Contract Demand gas to existing customers commencing with the 1966-67 winter heating season, and an additional 61,040 Mcf to existing customers commencing with the 1967-68 winter heating season.

The total cost of Applicant's project is estimated to be $21,579,000, which cost will be financed by the issuance of long-term debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12755; Filed, Nov. 29, 1965; 8:46 a.m.]

[Docket No. CP66-150]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 22, 1965.

Take notice that on November 12, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP66-150 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of an additional 22,566 Mcf of gas per day to two existing resale customers, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct the following natural gas facilities:

(a) 7.65 miles of 36-inch pipeline to be located between Applicant's Compressor Stations 65 and 70 in the State of Mississippi,

(b) 4.15 miles of 36-inch pipeline to be located between Applicant's Compressor Stations 100 and 110 in the State of Alabama,

(c) 28 miles of 16-inch pipeline to extend from Applicant's main line mile post 1206.04 to Tryon, N.C., in the States of South Carolina and North Carolina, and

(d) 3 sales meter and regulator stations and appurtenant facilities.

Applicant proposes to construct these facilities commencing in the spring of 1966 and to complete construction prior to May 1, 1966, the date of the proposed commencement of operations of such facilities.

Applicant states that the facilities proposed in the instant application, excluding the extension to Tryon, N.C., are also proposed in its pending application in Docket No. CP65-181 and that the instant application is being filed because the service proposed in the instant proceeding must be commenced prior to the date when any final decision can reasonably be expected in the Docket No. CP65-181 proceeding.

Applicant proposes to render increased pipeline service to the following existing resale customers in the stages indicated:

	Through Tryon extension	Volumes in Mcf of gas per day at 14.7 p.s.i.a.	
		To balance of system	Total additional allocations
Public Service Co. of North Carolina, Inc.			
1966-67	4,720	4,722	9,442
1967-68	12,627	8,815	21,442
Piedmont Natural Gas Co., Inc.			
1966-67	759	355	1,114
1967-68	936	178	1,114
1968-69	1,114	0	1,114

The estimated over-all capital cost of the proposed facilities is $3,730,000, which will be financed initially through short-term bank loans and cash on hand.

Applicant states that long-term financing will be accomplished at a later time as part of a financing program covering the proposed and other facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 13, 1965.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-12765; Filed, Nov. 29, 1965; 8:47 a.m.]

CIVIL SERVICE COMMISSION

ACCOUNTANTS, AUDITORS AND INTERNAL REVENUE AGENTS IN CALIFORNIA

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for positions of Accountants and Auditors, GS-510, grades 5, 6, and 7, and Internal Revenue Agents, GS-512, grades 5, 6, and 7, in the State of California. The revised rate ranges are as follows:

Grade	1	2	3	4	5	6	7	8	9	10
GS-5	$6,036	$6,207	$6,378	$6,549	$6,720	$6,891	$7,062	$7,233	$7,404	$7,575
GS-6	6,470	6,662	6,854	7,046	7,238	7,430	7,622	7,814	8,006	8,198
GS-7	6,890	7,097	7,304	7,511	7,718	7,925	8,132	8,339	8,546	8,753

2. Geographic coverage: State of California.

3. The effective date will be the first day of the first pay period which commences on or after January 1, 1966.

4. All new empoyees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the existing special rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on or after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12719; Filed, Nov. 29, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2486]

ADDRESSOGRAPH-MULTIGRAPH CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 23, 1965.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Addressograph-Multigraph Corp., File 7-2486.

Upon receipt of a request, on or before December 9, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12766; Filed, Nov. 29, 1965; 8:47 a.m.]

[812-1859]

GENERAL ELECTRIC OVERSEAS CAPITAL CORP.

Notice of Filing of Application for Order Exempting Company

NOVEMBER 23, 1965.

Notice is hereby given that General Electric Overseas Capital Corp. ("applicant"), 570 Lexington Avenue, New York, N.Y., a New York corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("the Act") for an order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by General Electric Co. ("GE") under the laws of the State of New York in November 1965. All of the authorized stock of applicant, consisting of 1,000 shares of common stock, without par value, will be purchased for $1,000,000 and held by GE. On or prior to March 1, 1966, GE will make a capital contribution to applicant of additional cash, securities or other property so that the capital of applicant will be not less than $20,000,000 on that date. GE may make further capital contributions of a substantial nature. GE will also purchase any additional equity securities which applicant may issue in the future and GE will not dispose of any equity security of applicant except to applicant itself or to another wholly-owned subsidiary of GE. GE is the world's largest manufacturer of electrical equipment.

Applicant has been organized in order to raise funds abroad for use in financing the requirements of GE's expanding foreign operations in a manner which will not adversely affect the United States' balance of payments, in compliance with the voluntary cooperation program instituted by President Johnson in February 1965. Applicant intends to issue and sell $50,000,000 of its Guaranteed Bonds Due 1985 (the "Bonds") to a group of underwriters for sale outside of the United States. GE will guarantee the principal, premium, if any, sinking fund and interest payments on the Bonds. The Bonds will be convertible by exchange for shares of common stock of GE, from May 1, 1967 to and including November 30, 1975. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by GE in the same manner as the Bonds.

Although applicant has not made any commitment as to how the funds raised by it will be used, applicant anticipates that (1) it will invest in foreign companies in which (i) GE owns or will own a majority interest, (ii) GE owns or will own less than a majority interest, but in whose management GE has an effective management voice, or (iii) GE owns or will own less than a majority interest and in whose management GE has attempted or will attempt to obtain an effective management voice; (2) it will make additional investments in certain foreign companies, a relatively small minority of whose stock is now owned by GE solely as an investment and in whose management GE does not participate; and (3) it will purchase securities of some foreign issuers which purchase equipment from GE.

It is intended that not less than 90 percent of the assets of applicant (other than cash items) will be invested in or loaned to foreign companies which are affiliated persons of GE (as such term is defined in the Act) or will become affiliated persons immediately after such investments. All of the companies in which applicant's funds will be invested will be primarily engaged in a business other than investing, reinvesting, owning, holding, or trading in securities. Applicant will not acquire the securities representing such loans or investments for the purpose of resale and will not trade in such securities. Applicant will proceed as expeditiously as possible with the investment of its assets as described above. Pending the completion of such investment, and from time to time thereafter in connection with changes in applicant's long-term investments, applicant will make temporary investments in obligations of foreign governments or corporations or will make deposits in foreign financial institutions or foreign branches of United States financial institutions. Applicant may also have among its assets shares of common stock of GE to be used in order to meet the conversion rights of its bondholders.

In the opinion of counsel for GE and applicant, United States persons (as defined) will be subject to payment of the United States interest equalization tax with respect to the acquisition of Bonds. By financing its foreign operations through the applicant rather than through the sale of its own debt obligations, GE will utilize an instrumentality, the acquisition of whose debt obligations by United States persons would, generally, subject such persons to the interest equalization tax, thus discouraging them from purchasing such debt obligations.

The Bonds are to be sold to underwriters against receipt of payment therefor outside the United States and under conditions which are intended to assure that the Bonds will not be sold to citizens or residents of the United States. The Agreement Among Underwriters will contain various provisions intended to assure that the Bonds will not be purchased by citizens or residents of the United States.

The Bonds and the common stock of GE into which they will be convertible will be registered under the Securities Act of 1933 and the Bonds will be listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) The purpose of applicant is to serve as a vehicle through which GE may obtain funds in foreign countries for the foreign operations of GE and its affiliates, in compliance with the President's cooperative program to improve the United States' balance of payments; (2) payment of principal, premium, if any, and interest on the Bonds, which is guaranteed by GE, and the value of the right to convert the Bonds by exchange for common stock of GE, do not depend upon the operation or investment policy of applicant because Bondholders may ultimately look to the business enterprise of GE rather than solely to that of applicant; (3) none of the equity securities of applicant will be held by any person other than GE or a wholly-owned subsidiary of GE; (4) applicant will not per-

mit any debt securities to be issued to or held by any person other than GE or a wholly-owned subsidiary of GE unless they are guaranteed by GE and, if convertible, convertible by exchange into stock of GE; (5) applicant will not deal or trade in securities; (6) applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange, and the offering of Bonds will be pursuant to a prospectus complying with section 10(a) of the Securities Act of 1933 and the Bonds (and the GE common stock into which they will be convertible) will be registered under said Act and the Indenture pursuant to which the Bonds will be issued will be qualified under the Trust Indenture Act of 1939; (7) the Bonds will be offered and sold for purchase by foreign nationals under circumstances designed to prevent reoffering or resale in the United States or to any United States citizen or resident.

Notice is further given that any interested person may, not later than December 7, 1965, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12767; Filed, Nov. 29, 1965; 8:47 a.m.]

[File No. 70-4327]

IROQUOIS GAS CORP.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

NOVEMBER 23, 1965.

Notice is hereby given that Iroquois Gas Corp. ("Iroquois"), 10 Lafayette Square, Buffalo, N.Y., 14203, a public-utility subsidiary company of Natural Fuel Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, on file at the Office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Iroquois proposes to issue and sell during December 1965 its unsecured promissory notes to local banks in an aggregate amount not to exceed $2,000,000. The notes will mature not more than nine months from the date of issuance and will bear interest at a rate equal to the prime rate (presently 4½ percent) in effect at The Chase Manhattan Bank, New York, on the date of issuance. The borrowings will be made from three Buffalo, N.Y., banks in the following proportions: Marine Midland Trust Co. of Western New York, 47 percent; Manufacturers & Traders Trust Co., 45 percent; Liberty National Bank & Trust Co., 8 percent.

It is stated that Iroquois presently has $5,000,000 of short-term bank notes outstanding which were issued pursuant to the 5 percent exemptive provision of the first sentence of section 6(b) of the Act; that of the $2,000,000 of notes presently proposed to be issued only the first $195,855 will be so exempt; and that any such notes issued in excess of $195,855 will require the authorization of this Commission. Upon the issue and sale of the proposed $2,000,000 of short-term notes, the aggregate amount of such notes then outstanding will be equal to approximately 6.7 percent of the principal amount and par value of the other outstanding securities of Iroquois.

The proceeds of the proposed notes are to be applied by Iroquois toward plant construction and toward gas purchases, including underground storage inventory, the company's cash requirements having exceeded earlier estimates by as much as $1,000,000 in each category.

Fees and expenses to be incurred in connection with the proposed transactions are estimated by the company at $300. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of notes.

Notice is further given that any interested person may, not later than December 14, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12768; Filed, Nov. 29, 1965; 8:47 a.m.]

[File No. 01-44]

NORTHEASTERN PENNSYLVANIA BROADCASTING, INC.

Notice of Application and Opportunity for Hearing

NOVEMBER 22, 1965.

Notice is hereby given that Northeastern Pennsylvania Broadcasting, Inc. ("Northeastern"), 70 Niagara Street, Buffalo 2, N.Y., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order exempting the Company from the registration requirements of section 12(g) of the Act.

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

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

The Company's application states, in part:

Northeastern, a Pennsylvania corporation, had as of its fiscal year ended December 31, 1964, total assets in excess of $1,000,000 and approximately 1,500 shareholders owning 28,200 outstanding shares of Class A common stock and 1,816,652 outstanding shares of Class B.

Northeastern's outstanding shares were issued in connection with a plan of complete liquidation adopted on April 14, 1964, by the shareholders of Transcontinent Television Corp. (Transcontinent).

Transcontinent, a New York corporation, had gross assets in 1963 of approximately

$30,000,000, and in 1963 was the owner and operator of radio and television stations in Buffalo, N.Y., Kansas City, Mo., San Diego, Calif., and a television station in Scranton-Wilkes-Barre, Pa., and radio stations in Cleveland, Ohio, by virtue of its ownership of all of the stock of Northeastern.

On August 3, 1963, Transcontinent entered into executory contracts to sell all of its television and radio stations, other than the Cleveland radio stations owned and operated by Northeastern. Transcontinent shareholders adopted a plan of complete liquidation and Transcontinent distributed to its shareholders cash and the shares of Northeastern stock and filed a certificate of dissolution with the State of New York.

Transcontinent would at the same time have disposed of the Cleveland radio stations owned by Northeastern, except for the fact that under one of the rules of the Federal Communications Commission (FCC), the owner of a broadcasting facility may not, without a hearing, dispose of that facility for a period of 3 years after the time when it was acquired.

On July 7, 1965, a purchase agreement was entered into between Northeastern and Westchester Corp. for the sale of substantially all of its assets, subject to the consent of FCC and the approval of Northeastern's shareholders.

On October 6, 1965, the FCC consented to the transfer of the authorizations for the operation of Northeastern's radio stations to Westchester Corp. and at a special meeting of stockholders held on October 19, 1965, Northeastern received the required shareholder approval.

The sale of Northeastern's assets to Westchester Corp. was consummated on November 8, 1965, pursuant to the plan of complete liquidation of Northeastern under section 337 of the Internal Revenue Code. Northeastern will carry on no further activities other than those required in effect its voluntary dissolution and the distribution of cash, pro rata to its shareholders in the near future.

Northeastern has agreed to send to stockholders, and to file with this Commission, financial information showing the basis upon which the liquidating distribution is made.

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

Notice is further given that any interested person may, not later than December 17, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

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

[F.R. Doc. 65-12769; Filed, Nov. 29, 1965; 8:47 a.m.]

[File Nos. 7-2484, 7-2485]

COASTAL STATES GAS PRODUCING CO. AND WEST POINT-PEPPERELL, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 23, 1965.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges: Coastal States Gas Producing Co., File 7-2484; West Point-Pepperell, Inc., File 7-2485.

Upon receipt of a request, on or before December 9, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-12770; Filed, Nov. 29, 1965; 8:47 a.m.]

MIDDLE SOUTH UTILITIES, INC., AND MISSISSIPPI POWER & LIGHT CO.

[File No. 70-4328]

Notice of Proposed Issue and Sale of Notes to Banks by Holding Company and Issue and Sale of Common Stock by Subsidiary Company to Holding Company

NOVEMBER 22, 1965.

In the matter of Middle South Utilities, Inc., 280 Park Avenue, New York, N.Y., 10017, and Mississippi Power & Light Co., Post Office Box 1640, Jackson, Miss., 39205.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary company, Mississippi Power & Light Co. ("Mississippi"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file in the office of the Commission, for a statement of the transactions proposed therein which are summarized below.

Middle South proposes to issue and sell $4,000,000 aggregate principal amount of unsecured promissory notes to two New York City banks, namely, The Chase Manhattan Bank ($2,000,000) and Manufacturers Hanover Trust Co. ($2,000,000). The notes will be dated when issued, will mature on July 5, 1967, will bear interest at the prime rate (currently 4½ percent per annum) in effect at each lending bank on the date of issue, and will be prepayable in whole or in part, without premium. Middle South presently has outstanding with a group of banks, including the above named banks, $14,650,000 principal amount of such notes. The filing states that such notes, together with those proposed herein to be issued and sold, will be paid with funds derived from the sale of additional shares of its common stock by Middle South prior to July 1967.

Middle South, the holder of all of Mississippi's outstanding no par value common stock, proposes to use the proceeds from the sale of the proposed notes to acquire 250,000 additional shares of such common stock for a cash consideration of $16 per share, or an aggregate of $4,000,000. Mississippi will use the net proceeds from the sale of such shares, together with funds derived from bond financing expected to take place early in 1966 (which will be the subject of a future filing with the Commission), to pay short-term promissory notes then outstanding with banks and to finance, in part, its construction program, the cost of which for the remainder of 1965 and for the year 1966 is estimated at $49,000,000.

It is stated that no State regulatory commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that the fees and expenses in connection therewith will be nominal.

Notice is further given that any interested person may, not later than December 13, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or

by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-12712; Filed, Nov. 26, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 552]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Cook, La Salle, Will, and Grundy Counties in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from a tornado and accompanying conditions occurring on or about November 12, 1965.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill.

2. Temporary offices will be established at Joliet Chamber of Commerce, Joliet, Ill., and at City Council Chambers, City Hall, Streator, Ill., as need indicates.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1966.

Dated: November 15, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-12780; Filed, Nov. 29, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29805 (Sub-No. 8 TA), filed November 22, 1965. Applicant: GULF STATES TRUCK LINES, INC., 8801 Linwood Avenue, Post Office Box 6090, Shreveport, La., 71106. Applicant's representative: Robert L. Garrett, 705 Slattery Building, Shreveport, La., 71104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel forms, metal tanks and tank-car parts*, from Texarkana, Ark.-Tex. to Shreveport, La., for 180 days. Supporting shipper: AMF Beaird, Inc., Post Office Box 1115, Shreveport, La., Mr. Jos. C. Ketcham, general traffic manager. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113.

No. MC 41951 (Sub-No. 5 TA), filed November 22, 1965. Applicant: WHEATLEY TRUCKING, INC., Brohawn Avenue, Cambridge, Md., 21613. Applicant's representative: Clyde F. Collier, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen or bulk), moving in insulated equipment, from Cambridge, Md., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: The Chun King Corp., Cambridge, Md., 21613, William W. Messick, traffic manager, Cambridge Branch. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 75185 (Sub-No. 259 TA), filed November 22, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Preston Road, Federalsburg, Md., 21632. Applicant's representative: T. J. Healy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen or bulk), moving in insulated equipment, from Cambridge, Md., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: The Chun King Corp., Cambridge, Md., 21613, William W. Messick, traffic manager, Cambridge Branch. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 106398 (Sub-No. 318 TA), filed November 22, 1965. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Post Office Box 8096, Dawson Station, Tulsa, Okla., 74141. Applicant's representative: Jim Banks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, in truckaway service, from Abingdon, Va., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Castle Enterprises, Inc., Gail E. McDaniel, president, Abingdon, Va. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 107496 (Sub-No. 430 TA), filed November 22, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Mid-American Terminal, at or near Cantril, Iowa, to points in Illinois and Missouri, for 180 days. Supporting shipper: Skelly Oil Co., Post Office Box 436, Kansas City, Mo., 64141. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commis-

sion, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 114552 (Sub-No. 24 TA), filed November 22, 1965. Applicant: SENN TRUCKING COMPANY, Post Office Box 333, Newberry, S.C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pine plywood*, from Emporia, Va., to points in Delaware, Illinois, Indiana, Maryland, Michigan, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: M. B. Jones, traffic manager, Southern Division, Georgia-Pacific Corp., Southern Finance Building, Augusta, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 509 Federal Building, 901 Sumter Street, Columbia, S.C., 29201.

No. MC 115826 (Sub-No. 118 TA), filed November 19, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 T. A., Denver Colo., 80217. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, as defined by the Commission, from Billings, Mont., to points in Nevada, California, Wisconsin, Illinois, and Colorado, for 180 days. Supporting shipper: Midland Empire Packing Co., Inc., Post Office Box 1375, Billings, Mont. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo.

No. MC 117639 (Sub-No. 2 TA), filed November 19, 1965. Applicant: JACK S. OCHSNER, doing business as PICK'S PACK HAULER, 1714 West Fifth, Hastings, Nebr. Applicant's representative: Max Harding, 605 South 14th, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Nebraska City, Nebr., to Overland Park, Topeka, and Emporia, Kans., for 150 days. Supporting shipper: Western Brick & Supply Co., 1111 North 16th Street, Lincoln, Nebr. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 123273 (Sub-No. 3 TA), filed November 22, 1965. Applicant: NEAL R. WHITE, 34 Beachwood Road, Asheville, N.C., 28805. Applicant's representative: H. Overton Kemp, Room 101, 327 North Tryon Street, Post Office Box 20202, Charlotte, N.C., 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in insulated tank vehicles, from Spartanburg, S.C., to Canandaigua, N.Y., and Petersburg, Va., for 180 days. Supporting shipper: Palmetto Grape Marketing Association, Post Office Box 1526, Spartanburg, S.C. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C., 28202.

No. MC 124359 (Sub-No. 2 TA), filed November 22, 1965. Applicant: WILHELEN, INC., 1409 16th Avenue, Greeley, Colo. Applicant's representative: W. R. Stevens (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting and supplies used in the installation thereof*, from Philadelphia and Willow Grove, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., and Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and Rapid City, S. Dak., and from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., for 150 days. Supporting shipper: Wholesale Flooring, Inc., 2200 Market Street, Denver, Colo., 80205. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

No. MC 124417 (Sub-No. 6 TA), filed November 22, 1965. Applicant: ALPHONSE HINDERMAN AND VINCENT HINDERMAN, a partnership, doing business as HINDERMAN BROTHERS, Dickeyville, Wis., 53808. Applicant's representative: John Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in trailers equipped with other than air-unloading devices, from Dubuque, Iowa, to points in Minnesota on and south of U.S. Highway 12, and points in Illinois on and north of U.S. Highway 24, for 150 days. Supporting shipper: V-C Chemical Co., a division of Socony Mobil Oil Co., Inc., Dubuque, Iowa. Send protests to: C. W. Buckner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis., 53703.

No. MC 127509 (Sub-No. 2 TA) filed November 22, 1965. Applicant: JAY PALLET ALL, INC., R.F.D. No. 4, Millersburg, Ohio. Applicant's representative: Richard H. Brandon, Hartman Building, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawed lumber*, from points in Holmes County, Ohio, to Union City, Pa.; Salem, Ind.; La Porte, Ind.; Grand Rapids, Mich., and the port of entry on the United States-Canada boundary at Detroit, Mich., under a continuing contract with Pallet All Corp., Millersburg, Ohio, for 120 days. Supporting shipper: Pallet All Corp., R.F.D. No. 2, Millersburg, Ohio. Send protests to: A. J. Stevens, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio, 43215.

No. MC 127615 (Sub-No. 1 TA), filed November 22, 1965. Applicant: S. A. HARRISON, doing business as HARRISON MOTOR EXPRESS, 5061 Villa Crest, Nashville, Tenn., 37220. Applicant's representative: Clarence Evans, Third National Bank Building, Nashville, Tenn., 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, used household goods and commodities in bulk), between Nashville, Tenn., and Atlanta, Ga., and U.S. Highway 41, serving no intermediate points, for 180 days. Supporting shippers: Philips & Buttorff Corp., 811 12th Avenue North, Nashville, Tenn., 37202; Washington Manufacturing Co., 218 Second Avenue North, Nashville, Tenn., 37203; Draper & Darwin Stores, Lebanon, Tenn., 37087; The Sunday School Board of the Southern Baptist Convention, 127 Ninth Avenue North, Nashville, Tenn., 37203; O'Bryan Bros., Inc., 1700 Charlotte Avenue, Nashville, Tenn., 37203; Power Equipment Co., 808 Sixth Avenue North, Nashville, Tenn., 37203; Alfred J. Levit, Inc., 704 Reid Avenue, Nashville, Tenn., 37203; May Hosiery Mills, 424 Chestnut, Nashville, Tenn., 37203; Thompson & Green Machinery Co., Inc., 700 Murfreesboro Road, Nashville, Tenn., 37210; Ferro Corp., Nashville, Tenn., 37211; Genesco, Genesco Park, Nashville, Tenn., Harold Fletcher, administrative manager, Retail Division; Southwestern Co., 2968 Foster Creidhton Drive, Nashville, Tenn., 37204; Humboldt Express Co., 415 Fifth Avenue South, Nashville, Tenn., 37219; and, Sanders Manufacturing Co., 124 Fourth Avenue South, Nashville, Tenn., 37201. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 127700 (Sub-No. 1 TA), filed November 22, 1965. Applicant: DEAN APPLIANCE TRANSPORTATION CORP., 2995 Botanical Square, Bronx, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses in retail delivery, between Elizabeth, N.J., on the one hand, and, on the other, points in New York, N.Y., and points in Putnam, Rockland, and Westchester Counties, N.Y., for 150 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 6742, Philadelphia, Pa. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127725 TA, filed November 19, 1965. Applicant: GEORGE T. VAIL, doing business as VAIL & SANDLAND DISTRIBUTORS, 4112 South 288th Place, Auburn, Wash. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, between Seattle, Wash., and port of entry of Sumas, Wash., on the international boundary between the United States and Canada, for 180 days. Supporting shipper: Abbotsford Bakery, Post Office Box 490 (2420 McCallum Road), Abbotsford, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

No. MC 127726 (Sub-No. 1 TA), filed November 22, 1965. Applicant: LAWRENCE RAY PALMER AND LAWRENCE RICHARD PALMER, a partnership, doing business as PALMER MACHINE WORKS, Roundhouse Street, Post Office Box 358, Amory, Miss. Applicant's representative: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, and in packages, from the plantsite of International Minerals & Chemical Corp., Florence, Ala., to points in Mississippi, north of U.S. Highway 80, with no transportation for compensation on return except *rejected or returned shipments*, for 180 days. Supporting shipper: International Mineral & Chemical Corp., 5401 Old Orchard Road, Skokie, Ill. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 U.S. Post Office Building, Jackson, Miss., 39201.

No. MC 127727 TA, filed November 22, 1965. Applicant: UNITED MARLBORO CARRIERS CORP., 148 West Thirty-seventh Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between Moonachie, N.J., and New York, N.Y., for 180 days. Supporting shipper: Helen Harper, Inc., 30-02 48th Avenue, Long Island City, N.Y., 11101. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 65-12772; Filed, Nov. 29, 1965; 8:48 a.m.]

[Notice 1265]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

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

No. MC-FC-68126. By order of November 19, 1965, Transfer Board approved the transfer of Certificate No. MC-39507 issued June 1, 1955, and Certificate of Registration No. MC-39507 (Sub-No. 3) issued April 29, 1964, to Diana Couture doing business as Pawtuxet Valley Motor Express, Warwick, R.I., to Pawtuxet Valley Motor Express, Inc., Warwick, R.I., authorizing the transportation of general commodities, over irregular routes, (1) between Providence, R.I., on the one hand, and, on the other, specified points in Rhode Island, and (2) between points in Rhode Island. Philip W. Noel, 111 Westminster Street, Providence, R.I., attorney at law.

No. MC-FC-68219. By order of November 19, 1965, Transfer Board approved the transfer to Post Brothers, Inc., Scranton, Pa., of a portion of the operating rights in Certificate No. MC-34918, issued August 4, 1955, to R. F. Post, Inc., Scranton, Pa., authorizing the transportation of: Household goods, between specified points in Pennsylvania on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Virginia, West Virginia, North Carolina, Ohio, Indiana, and the District of Columbia. Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036, attorney for applicants.

No. MC-FC-68264. By order of November 19, 1965, Transfer Board approved the transfer to L. A. McGann, Inc., doing business as Bickford Transportation, 8 Depot Road, Falmouth, Maine, of the operating rights issued by the Commission May 29, 1957, and July 29, 1957, under Certificates Nos. MC-93506 (Sub-No. 1), and MC-93506 (Sub-No. 12), respectively, to Carroll F. Stevens, Alfred, Maine, authorizing the transportation, over irregular routes, of lumber and forest products, between points in York County, Maine, on the one hand, and, on the other, points in New Hampshire and Massachusetts; lumber, forest products, camp and mill supplies, and mill machinery incidental to the cutting, yarding, and manufacturing of lumber, between points in that part of Maine and New Hampshire within 100 miles of Norway, Maine, including Norway; and lumber, from Manchester, N.H., and points within 15 miles thereof, to points in Rhode Island.

No. MC-FC-68269. By order of November 19, 1965, Transfer Board approved the transfer to Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., of the Certificate of Registration No. MC-57767 (Sub-No. 1), issued October 22, 1963, to John P. Caples and Catherine F. Caples, doing business as Caples Trucking, Cambridge, Mass., evidencing a right to engage in interstate or foreign commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 1114, dated June 5, 1941, issued by the Massachusetts Department of Public Utilities. Mary A. Kerwin, 6 Beacon Street, Boston, Mass., 02108, attorney for applicants.

No. MC-FC-68274. By order of November 19, 1965, Transfer Board approved the transfer to Textile Trucking Co., Inc., Atlanta, Ga., of the operating rights in Certificate Nos. MC-96412 and MC-96412 (Sub-No. 2), issued November 12, 1941, and April 2, 1965, to Jacob M. Mouchet, doing business as Cotton Transport Co., Charlotte, N.C., authorizing the transportation, over irregular routes, of: Cotton waste, textile waste, and used bagging, and certain exempt commodities, in the same vehicle, between points in North Carolina, South Carolina, Virginia, Tennessee, Georgia, and Alabama. H. Overton Kemp, Post Office Box 20202, 327 North Tryon Street, Charlotte, N.C., 28202, representative for applicants.

No. MC-FC-68280. By order of November 19, 1965, Transfer Board approved the transfer to Russell Bailey, Potlatch, Idaho, of the certificate in Nos. MC-51837 (Sub-No. 1) and MC-51837 (Sub-No. 2), issued November 14, 1946, and April 24, 1947, respectively, to Fred Stephens, Potlatch, Idaho, authorizing the transportation of: Livestock, agricultural commodities, lumber and lumber byproducts, building materials and feed, between points in Latah County, Idaho, on the one hand, and, on the other, points in Whitman County, Wash.; livestock, between points in Latah and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Spokane County, Wash.; and household goods, between points in Latah and Nez Perce Counties, Idaho, on the one hand, and, on the other, points in Spokane and Whitman Counties, Wash.

No. MC-FC-68300. By order of November 19, 1965, Transfer Board approved the transfer to Stuart Trucking Co., a corporation, Spokane, Wash., of the operating rights issued by the Commission June 17, 1954, under Certificate No. MC-59410 to John C. Stuart, doing business as Stuart Trucking Co., Spokane, Wash., and acquired by transferor, Thelma G. Stuart, doing business as Stuart Trucking Co., Spokane, Wash., in MC-FC-67736 authorizing the transportation of manufactured forest products, grain, feed, poles, piling, milling machinery and equipment, building materials, livestock, and sand and gravel, between points in Latah, Benewah, Shoshone, Kootenai, Bonner, and Boundary Counties, Idaho, and Adams, Grant, Douglas, Spokane, Whitman, Pend Oreille, and Lincoln Counties, Wash.; lumber, brick, and sewer tile, in truckloads, between points in Latah, Kootenai, and Shoshone Counties, Idaho, on the one hand, and, on the other, points in Adams, Lincoln, Spokane, Stevens, and Whitman Counties, Wash.; lumber, except millwork, in truckloads, from points in Bonner County, Idaho, to points in Adams, Lincoln, Spokane, Stevens, and Whitman Counties, Wash.; building logs, and

mouldings and mastick, used in the erection of building logs, and lumber, shakes, and shingles, from points in Sanders County, Mont., to points in Washington and those in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho Counties, Idaho; and lumber, from points in Mineral County, Mont., to points in Kootenai, Shoshone, and Bonner Counties, Idaho, and those in Adams, Grant, Douglas, Spokane, Whitman, Pend Oreille, Lincoln, Benton, and Franklin Counties, Wash. P. J. Allison, Randall, Danskin, Lundin & Allison, 440 Lincoln Building, Spokane, Wash., attorneys for applicants.

No. MC-FC-68307. By order of November 19, 1965, Transfer Board approved the transfer to Metropolitan Bus Corp., a corporation, Brooklyn, N.Y., of Certificate No. MC-1111, issued May 7, 1942, to Cornwall Public Service Corp., Cornwall, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory and at the point indicated, in charter operations, over irregular routes, from points in Orange and Rockland Counties, and New York, N.Y., to points in New Jersey, New York, and Connecticut, and return. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, 32, N.Y., attorney for transferee. M. J. Rider, 189 Grand Street, Newburgh, N.Y., attorney for transferor.

No. MC-FC-68123. Corrected Notice.[1] By order of September 30, 1965, Transfer Board approved the transfer to W. R. Rivers, Jackson, Miss., of a portion of Certificate No. MC-82625, issued February 24, 1956, to Azalea Motor Lines, Inc., Mobile, Ala., authorizing the transportation of general commodities, including household goods but excluding commodities in bulk, in tank vehicles, over regular routes, between Mobile, Ala., and Dauphin Island, Ala., serving all intermediate points; and general commodities, including household goods but excluding commodities in bulk, in tank vehicles, over irregular routes, between points on Dauphin Island, Ala. Dudley W. Conner, Conner Building, Hattiesburg, Miss., attorney for applicants.

[1] Corrected to show the portion of Certificate No. MC-82625, issued February 24, 1956, to Azalea Motor Lines, Inc., Mobile, Ala., has approved the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Leakesville, Miss., and Mobile, Ala., serving the intermediate points of Lucedale, Miss., and those between Lucedale, Miss., and Mobile, Ala.; and between Mobile, Ala., and Lucedale, Miss., serving all intermediate points.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12773; Filed, Nov. 29, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1965.

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

LONG-AND-SHORT HAUL

FSA No. 40147—*Lumber articles from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8774), for interested rail carriers. Rates on lumber, viz: Boards or sheets (not wallboard or insulating board) made from wood shavings, sawdust or ground wood, in carloads, between points in southwestern territory; between points in southwestern territory, on the one hand, and points in Kansas and Missouri, and Mississippi River crossings, East St. Louis, Ill., south to Natchez, Miss., on the other, also from points in southwestern territory to points in western trunkline territory and Canada.

Grounds for relief—Carrier competition.

Tariffs—Supplements 8, 11, and 46 to Southwestern Freight Bureau, agent, tariffs ICC 4633, 4635, and 4609, respectively.

FSA No. 40148—*Soda ash to points in Louisiana.* Filed by Western Trunk Line Committee, agent (No. A-2431), for interested rail carriers. Rates on soda ask (other than modified soda ash), in carloads, from Stauffer and Westvaco, Wyo., to specified points in Louisiana.

Grounds for relief—Market competition.

Tariffs—Supplement 47 to Western Trunk Line Committee, agent, tariff ICC A-4374 and supplement 78 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 40149—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 99), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1163.

FSA No. 40150—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 100), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 2 to Central States Motor Freight Bureau, Inc., agent, tariff MF-ICC 1163.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12774; Filed, Nov. 29, 1965; 8:48 a.m.]

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