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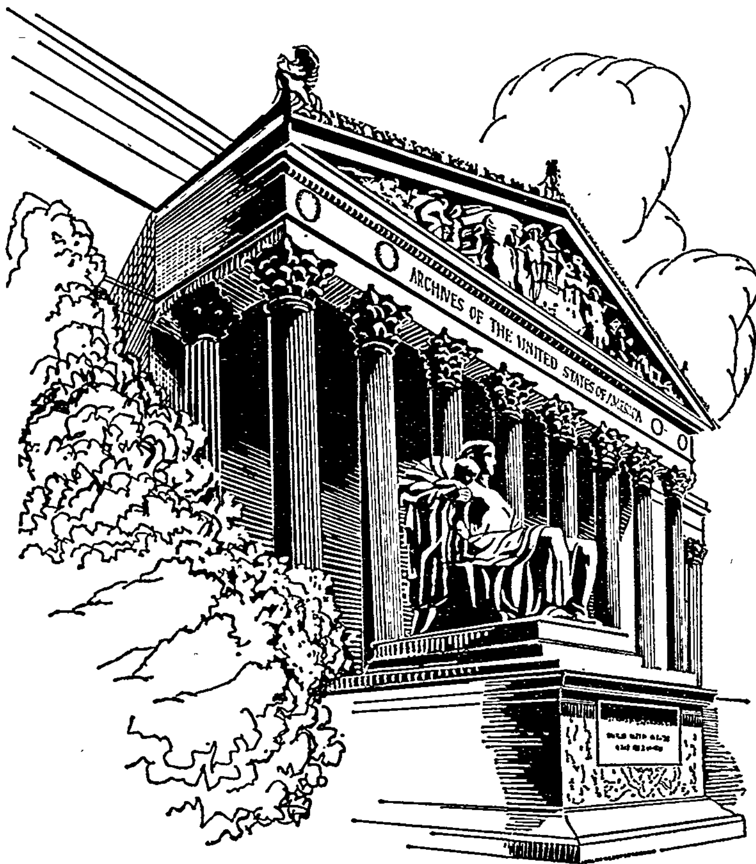

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[Amdt. 13]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for 1964 and Succeeding Crops of Upland Cotton

ADJUSTMENT OF ALLOTMENT BASES AND DETERMINATION OF ACREAGE HISTORY

(a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This amendment provides that farm base adjustments under section 344(f)(8) of the Act shall not be made in certain cases.

(b) Since farm allotments are now being established for the 1965 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date 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 this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.214(a) of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended) is amended by adding a new subparagraph at the end thereof as follows:

§ 722.214 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to plantings of cotton in the current year.* * * *

(3) In any case where the county committee determines that failure to plant at least 75 percent of the farm allotment was due to foreclosure proceedings by the Federal Government with respect to the farm, adjustments provided in subparagraph (1) of this paragraph shall not be made.

* * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 21, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-767; Filed, Jan. 25, 1965; 8:48 a.m.]

[Amdt. 4]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for 1964 and Succeeding Crops of Extra Long Staple Cotton

ADJUSTMENT OF ALLOTMENT BASES AND DETERMINATION OF ACREAGE HISTORY

(a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1231 et seq.). This amendment provides that farm base adjustments under section 344(f)(8) of the Act shall not be made in certain cases.

(b) Since farm allotments are now being established for the 1965 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date 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 this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.314(a) of the Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended) is amended by adding a new subparagraph at the end thereof as follows:

§ 722.314 Adjustment of allotment bases and determination of acreage history.

(a) *Farm base adjustments under section 344(f)(8) of the act applicable to plantings of ELS cotton in the current year.* * * *

(3) In any case where the county committee determines that failure to plant at least 75 percent of the farm allotment was due to foreclosure proceedings by the Federal Government with respect to the farm, adjustments provided in subparagraph (1) of this paragraph shall not be made.

* * * * *

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 21, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-766; Filed, Jan. 25, 1965; 8:48 a.m.]

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

On January 7, 1965, notice of rulemaking was published in the FEDERAL REGISTER (30 F.R. 156) regarding proposed expenses and the related rate of assessment for the period beginning November 1, 1964, and ending October 31, 1965, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.203 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period November 1, 1964, through October 31, 1965, will amount to $241,926.34.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 910.41, is fixed at $0.0175 per carton of lemons.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (2) such period began on November 1, 1964, and said rate of assessment will automatically apply to all such lemons beginning with such date.

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

Dated: January 21, 1965.

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

[F.R. Doc. 65-768; Filed, Jan. 25, 1965; 8:49 a.m.]

[970.305 Amdt. 3]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970,

both as amended (7 CFR Part 970), regulating the handling of carrots grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the 1964-65 marketing season for south Texas carrots is currently in progress and a heavy volume of shipments is now being made, (2) to maximize benefits to growers, this amendment should apply to as many shipments of carrots as possible during the remainder of the 1964-65 season, (3) compliance with this amendment will not require any special preparation on the part of handlers, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

Order, as amended. The introductory paragraph and paragraphs (a) and (b) of § 970.305, Amendment 2 (30 F.R. 644) which were to become effective January 22, 1965, are hereby terminated. The introductory paragraph and paragraphs (a) and (b) of § 970.305, Amendment 1 (30 F.R. 257), which became effective January 12, 1965, will continue in effect.

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

Dated January 21, 1965, to become effective January 21, 1965.

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

[F.R. Doc. 65-769; Filed, Jan. 25, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1481—RICE

Subpart—Rice Export Program; Payment-in-Kind (GR-369); Revision III

The Terms and Conditions of the Rice Export Program—Payment-in-Kind (GR-369), Revision II (27 F.R. 10931), as amended (28 F.R. 543), (28 F.R. 9420), and (29 F.R. 10395), are, with regard to any contract resulting from CCC's acceptance of an exporter's offer to export rice (milled, or brown, or both) which is submitted by such exporter on and after the seventh calendar day following date of publication of this Revision III in the FEDERAL REGISTER, further amended and revised as follows:

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Sec.
1481.101 General statement.
1481.105 General provisions for participation.

SUBMISSION AND ACCEPTANCE OF OFFERS (NON P.L. 480 EXPORTS)

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REGISTRATION OF SALES (EXPORTS UNDER TITLE I OR TITLE IV, P.L. 480)

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1481.153 Rough rice, milled rice, and brown rice.
1481.154 Official lot inspection certificate.
1481.155 United States.
1481.156 Vice President.
1481.157 General Sales Manager.
1481.158 Official weight certificate.
1481.159 P.L. 480.

AUTHORITY: The provisions of this subpart issued under sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1055, as amended; sec. 201(a), 70 Stat. 188; 7 U.S.C. 1427, 1851.

GENERAL

§ 1481.101 General statement.

Commodity Credit Corporation (referred to in this subpart as "CCC" will conduct an export program upon the terms and conditions of this subpart (referred to in this subpart as the "program") under which an exporter may agree to export milled rice or brown rice or both, as defined in § 1481.153, and after exportation may apply for an export payment in the form of a certificate which is redeemable in rice owned by CCC upon the terms and conditions of this subpart, particularly § 1481.122 and following sections hereof, or in any other commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates. The program is designed to encourage the exportation through normal trade channels of surplus rice held in private inventories and in CCC stocks in order (a) to aid the price-support program by strengthening the domestic market price to producers, (b) to reduce the quantity of rice which would otherwise be taken into CCC's stocks under its price-support program, (c) to promote the orderly liquidation of CCC stocks, and (d) to maintain and expand the market in friendly countries for United States produced rice. The program will be administered by Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture (referred to in this subpart as ASCS). Information pertaining to the program may be obtained from the ASCS Commodity Office listed in § 1481.140.

§ 1481.105 General provisions for participation.

(a) Persons desiring to participate in this program shall (1) For rice which will be exported other than on sales made under Purchase Authorizations issued pursuant to Titles I and IV of P.L. 480 submit offers as provided in § 1481.106 to export rice (milled, or brown, or both) during a period of 90 days beginning on the date of acceptance of the offer by CCC, at the export payment rates applicable to the milled or brown rice exported, determined in accordance with § 1481.113, in effect on the date the offer is accepted, or (2) in the case of rice which will be exported on a sale under a Purchase Authorization issued pursuant to Title I or Title IV of P.L. 480, file notice of sale as provided in § 1481.108 which will constitute an offer to export rice (milled, or brown, or both) during a 90-day period beginning on the date of sale, at the export payment rate applicable to the milled or brown rice exported, determined in accordance with § 1481.113, in effect on the date of sale or at the time of filing notice of sale, whichever rate is lower.

(b) Milled rice and brown rice exported under this program must have been produced in the United States.

(c) Milled rice and brown rice shall be exported under this program only to an eligible country as defined in § 1481.150 and the milled rice or brown rice so exported shall not be transshipped or caused to be transshipped by the exporter to any country other than an eligible country.

(d) To be eligible for payment under this program, the exporter shall furnish documentary evidence of export of a quantity of milled rice or brown rice, as required in § 1481.116, which evidence has not been used, and will not subsequently be used as evidence of export in

connection with any other contract entered into pursuant to § 1481.107 or § 1481.109 of this program or in connection with any other export program under which CCC has paid or has agreed to pay an export allowance, or in connection with any other export program which involves the sale of rice for export at prices which reflect any export allowance.

SUBMISSION AND ACCEPTANCE OF OFFERS

(NON P.L. 480 EXPORTS)

§ 1481.106 Submission of offers.

(a) *Place and time.* Exporters desiring to participate in this program other than by registration of sales made under P.L. 480, Title I or Title IV Purchase Authorization, shall submit offers in writing, by letter, telegram, TWX, or the teletypewriter to:

Director, Procurement and Sales Division, ASCS,
U.S. Department of Agriculture,
Room 5721, South Building,
Washington, D.C. 20250.
TWX 202-965-0437.

Such offers must be received in the Department of Agriculture by 3:30 p.m. (e.s.t. or e.d.t., whichever is in effect) of the day on which the exporter desires the offer to be considered by CCC for acceptance. Offers to export rice will be considered for acceptance hereunder beginning on the seventh day following the date this subpart is published in the FEDERAL REGISTER. Offers will be considered daily subsequent to such date, except that offers will not be considered for acceptance on Saturday, Sunday, or National Holiday, unless public announcement by CCC provides otherwise.

(b) *Form.* All offers must be signed by the exporter or his authorized agent and shall specifically state the following:

(1) The offer is subject to all of the terms and conditions of this subpart, and any amendments in effect at the time the offer is submitted. The use of the term "GR-369, Revision III", in the offer and the word "Rice" shall signify that it is submitted subject to all such terms and conditions.

(2) The date for which the offer is submitted for acceptance.

NOTE: This date must show on the offer and may also appear in the lower left-hand corner of the envelope in which written offers are submitted.

An offer will be considered for acceptance only on the day specified and will not be considered on any other day unless the offer is resubmitted.

(3) The net quantity of rice to be exported, expressed in hundredweight.

(4) The name and address of the offerer.

EXAMPLE: The following represents an offer to export 10,000 hundredweight of rice by John Doe Export Co.:

GR-369, Revision III—Rice. For consideration May 8, 1962, 10,000 hundredweight.

Signed: John Doe Export Co.,
By: Richard Doe, President,
400 Blank Street,
New York, N.Y.

An exporter may submit more than one offer for consideration on any stated date. CCC reserves the right to waive any informality in connection with offers submitted for consideration. Offers will be considered in their entirety only, and offers containing conditions other than those authorized in this subpart will not be considered.

§ 1481.107 Acceptance of offers by CCC.

Upon acceptance of an exporter's offer, CCC will attempt to notify the exporter by telephone by 4:30 p.m. (e.s.t. or e.d.t., whichever is in effect) of the day on which the offer is accepted, and by the close of business of such day will forward to the exporter Form CCC-411, "Acceptance of Offer to Export", which shall constitute CCC's written acceptance of exporter's offer. The contract resulting from such acceptance shall consist of the exporter's offer, CCC's written acceptance, the terms and conditions of this subpart and any amendments in effect on the date of submission of the offer.

REGISTRATION OF SALES

(EXPORTS UNDER TITLE I OR TITLE IV, P.L. 480)

§ 1481.108 Notice of sale.

In order to qualify for export payments pursuant to offers under this section through § 1481.110, to export rice under Purchase Authorizations issued pursuant to Title I or Title IV of P.L. 480, exporters must file a Notice of Sale, addressed to:

Director, Procurement and Sales Division, ASCS,
U.S. Department of Agriculture,
Room 5721, South Building,
Washington, D.C. 20250.
TWX 202-965-0437.

(a) *Time of filing.* (1) The exporter shall file a Notice of Sale on the date of the sale or as soon as possible thereafter.

(2) Notice of Sale shall be in writing and should be filed by telegraph, TWX, or teletypewriter.

(3) In order for the exporter to receive the rate of payment in effect on the date the Notice of Sale is filed, the telegram giving notice of the sale must be filed by 3:30 p.m. (e.s.t. or e.d.t., whichever is in effect) on such date. Notice of Sale filed after 3:30 p.m. will be considered as having been filed on the following day for purpose of determining the export payment rate applicable to rice exported under this program.

(4) The time of filing the Notice of Sale is considered to be the time transmission of the message to CCC is completed. CCC will accept as evidence of the time of filing a telegraphic Notice of Sale the time which appears on such notice.

(5) If the price of the rice or commission or both are disapproved by the General Sales Manager, the exporter will be so notified by telegram and the transaction will not be registered for payment. In such event, the exporter shall have 5 calendar days (see paragraph (c)(4) of this section) following the date of the notification telegram within which to submit a price or commission or both which may be approved by the General Sales Manager. During such 5-day period, CCC will not recognize for purposes of this program, either a cancellation of the transaction originally reported to CCC or any new sale between the same exporter and the foreign buyer in substitution of the original transaction reported to CCC. If an acceptable price and commission, if any, is not submitted within such 5-day period, the original Notice of Sale, any subsequent advices of price or commission adjustments and the related contract between the exporter and the foreign buyer shall, for the purposes of this program, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which result in a contract between the exporter and the same foreign buyer shall be considered as a new sale for the purpose of this program and shall be subject to the submission of a new Notice of Sale and new evidence of sale.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.

(2) The Purchase Authorization number of a sale under Title I or Title IV, P.L. 480.

(3) Sales contract or order number, if any.

(4) Name of purchaser or purchasers.

(5) Country of destination.

(6) Contract quantity in hundredweights and the contract loading tolerance, if any, in percentage, but not in excess of 5 percent, more or less.

(7) Variety or class of rice, grade, maximum percent of brokens, and any additional commodity specifications in the contract.

(8) The sale price per metric ton for rice bagged 100 pounds net must be shown on an f.a.s. vessel basis. The f.a.s. price shown should include all charges and commissions necessary to the sale and moving of the rice to the f.a.s. position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(9) The unit sale price as stated in the contract if on a different basis than specified in subparagraph (8) of this paragraph above. (Specify such other basis.)

(10) Delivery period specified in contract. (Not more than 90 days from date of sale.)

(11) Port or coast of export.

(12) Complete packaging description and packaging material specifications if other than 100-pound burlap bags.

(13) Name of sales agent, if any, and rate of sales commission.

(14) A statement as to whether or not the exporter is an affiliate of the importer.

(15) If the exporter is an affiliate of the importer, the price information required by § 11.11(d) (1), (2), and (3) of this title for sales under Title I (see 24 F.R. 8825 and 25 F.R. 8281 and any amendments thereto) or by § 14.7(a), (1), (2), and (3) of this title for sales under Title IV (see 28 F.R. 10858 and any amendments thereto) of the P.L. 480 regulations, as appropriate.

(16) Such additional information in individual cases as may be requested by CCC.

(c) *Determination of date of sale.* The supporting evidence of sale submitted by the exporter in form prescribed in § 1481.110(d), will be the basis for

determining the date of sale. Some of the factors which are determinative of such date of sale, for the purpose of this program, are as follows:

(1) Time of the exporter's filing a cablegram or mailing a written acceptance of a definite offer to purchase received from the foreign buyer.

(2) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(3) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation by the exporter of the booking of a shipment or shipments to be made pursuant to a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter has the right under the terms of the standing order to create a firm contract of sale by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise, it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(4) A sale shall not be considered as made until the purchase price has been established, and time of sale shall be the earliest time the exporter has knowledge that a firm contract exists with the foreign buyer on which a firm dollar-and-cent price has been established pursuant subparagraphs (1), (2), and (3) of this paragraph. However, if a contract would be firm but for the fact that it is conditioned upon receipt of approval from CCC for financing under P.L. 480, such condition shall be disregarded for the purpose of determining the time of sale. On any sale under P.L. 480, where the price of the rice or commission originally reported by the exporter was disapproved, the exporter shall have 5 calendar days following the date of the notification telegram within which to submit a price and commission, if any, which may be approved by the General Sales Manager. If within this period, an acceptable price and commission, if any, is submitted, the time of sale for payment purposes will be regarded as the time of the original sale and the export payment rate applicable to the sale will be the rate in effect at time of original sale or at time of filing the original Notice of Sale, whichever is the lower.

(5) If export is wholly by truck or rail and a firm contract exists at a firm dollar-and-cent price but the time of sale cannot be determined on the basis of the factors set forth in this section, or by any other means, the sale will be deemed to have been made at the time of issuance of the inland bill of lading, or if none is issued, at the time of clearance through U.S. Customs. If export is by ocean carrier and date of sale cannot be determined under other provisions of this section, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the rice is loaded on board ocean carrier.

(6) If a sale is made through an intermediary, for purposes of determination of the applicable export payment rate, no substantially greater lapse of time for concluding the sales transaction may be recognized than would have elapsed had the exporter been dealing directly with the foreign buyer.

(7) In any unusual cases involving factors other than those enumerated above, an exporter should make a written request for a determination in writing from the Director of the Procurement and Sales Division, ASCS, in advance of making the sale as to the effect of such factors on the time of sale.

§ 1481.109 Notice of registration.

(a) Upon receipt of a Notice of Sale complying with the requirements of § 1481.108, and approval by the General Sales Manager of the price and commission, if any, CCC will register the sale and will attempt to notify the exporter by telephone by close of business of the day on which the sale is registered. CCC will forward to the exporter Form CCC-420, "Notice of Registration of Sale", which shall constitute CCC's written notice of registration of sale. The contract resulting from such registration shall consist of the exporter's Notice of Sale, CCC's written Notice of Registration of Sale, the terms and conditions of this subpart and any amendments in effect on the date of filing the Notice of Sale. Sales will be registered on the day following the filing of Notice of Sale when such notice is filed after 3:30 p.m., except that sales will not be registered on any Saturday, Sunday, or National Holiday.

(b) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale (see § 1481.110), and on the Application for Rice Export Payment (see §§ 1481.115-1481.117) and in all correspondence with reference to the transaction.

The Notice of Registration will contain a statement that the price of the rice and commission, if any, has been approved by the General Sales Manager for financing under regulations issued pursuant to Titles I or IV of P.L. 480 and shall constitute notice to the exporter of such approval. If the price of the rice or commission is disapproved by the General Sales Manager, the exporter will be so advised by telegram and the transaction will not be registered for payment.

§ 1481.110 Declaration of sale and evidence of sale.

(a) *Time of submission and required copies.* (1) In the case of registered sales, the exporter shall prepare a Declaration of Sale, Form CCC-421, and mail or deliver it to the Director, Procurement and Sales Division, ASCS. Such Declaration should be mailed or delivered within two days after registration of the sale by CCC.

(2) The Declaration of Sale must be submitted in an original and six copies all of which shall be signed in an original signature by the exporter or his authorized representative. Two copies of each such Declaration of Sale will be returned to the exporter signed by the Contracting Officer, and countersigned by the General Sales Manager confirming approval for financing under P.L. 480, as amended.

(3) One Declaration of Sale should be submitted by the exporter for each sale identified by a registration number assigned in the Notice of Registration (see § 1481.109(b)). If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to registration numbers on the respective declarations.

(b) *Information required.* The information to be entered on the Declaration of Sale is as follows:

(1) Registration number.

(2) Sales contract or order number, if any.

(3) The Title I or Title IV P.L. 480 Purchase Authorization number.

(4) Date of sale and date and time of filing Notice of sale.

(5) Name of purchaser or purchasers.

(6) Country of destination.

(7) Contract quantity in hundredweights, and if the contract provides for a loading tolerance, the amount of such tolerance in percentage but not to exceed 5 percent, more or less.

(8) Variety or class of rice, grade, and broken content as specified in the contract.

(9) The sales price in the case of bagged rice must be given on an f.a.s. vessel basis. The f.a.s. price shown should include all charges and commissions necessary to the sale and the moving of the rice to the f.a.s. position. For example, a selling agent's commission would be included, whereas guaranteed outturn insurance would not be included.

(10) The unit sale price as stated in the contract if on a different basis than specified in subparagraph (9) of this paragraph. (Specify such other basis.)

(11) Delivery period specified in the contract.

(12) Port or coast of export.

(13) Complete packaging description and packaging material specifications if other than 100-pound burlap bags.

(14) Name of sales agent, if any, and rate of sales commission.

(15) A statement as to whether or not the exporter is an affiliate of the importer.

(16) If the exporter is an affiliate of the importer, the price information required by § 11.11(d) (1), (2), and (3) of this title for sales under Title I or by § 14.7(a) (1), (2), and (3) of this title for sales under Title IV, of the P.L. 480 regulations, as appropriate.

(17) Rate schedule number(s) and date(s) of issuance (specified on Form CCC-420, notice of Registration of Sale) applicable to rice exported under this contract.

(18) Period of export specified in the Notice of Registration of Sale, Form CCC-420, Section II, Item 3.

(19) Such additional information in individual cases as may be requested by CCC.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name

of the exporter who sold the rice to a foreign buyer. If the sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration of Sale and all related documents, such as:

American Grain Co.
(Trade Name)
U.S. Grain Co.
/s/ John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving an intermediate party (see § 1481.108(c)(6)), the evidence required is certified true copies of all documents evidencing the sales which are exchanged between the exporter, the intermediate party and the buyer shown in the Declaration of Sale, provided such evidence includes all information required under paragraph (b) of this section, and any additional documentation specifically requested by CCC.

EXPORT OBLIGATION AND PAYMENT RATES

§ 1481.111 Exportation requirements.

(a) (1) The exporter shall export or cause to be exported milled rice or brown rice to an eligible country in accordance with his contract with CCC within a 90-day period beginning on the date of CCC's acceptance of the exporter's offer, or on the date of sale in the case of a registered sale, or within any extension thereof approved in writing by the Vice President, CCC. If an extension of the 90-day export period is approved, it may be made subject to such reduction in the export payment rate as may be specified by the Vice President, CCC.

(2) Exportation of rice by or to a U.S. Government agency[1] to or in a destination defined as an eligible country in § 1481.150 shall not qualify as an exportation to an eligible country for the purposes of this program unless exportation is by or to the Army and Air Force Exchange Service or the Panama Canal Company, and an authorized official or employee of such service or company certifies that the purchase price paid or to be paid by such service or such company for the rice exported is based in whole or in part upon an export price which reflects an export allowance under this program from which such service or company benefits.

(b) The exporter shall promptly furnish to CCC evidence of exportation as specified in § 1481.116. Failure to furnish evidence of exportation within 120 calendar days from the date of CCC's acceptance of the exporter's offer or the date of sale in the case of a registered sale, or within 30 calendar days from the last date of any extension in time for exportation approved by the Vice President, CCC, pursuant to paragraph (a) of this section, whichever is later, shall constitute prima facie evidence of failure to export.

(c) (1) Failure of the exporter to export in accordance with the provisions of his contract with CCC shall constitute a default of his obligations to CCC. Exportation to an eligible country, and within the period of time specified in the exporter's contract with CCC or as approved by the Vice President, CCC, are of the essence of the contract and, except as otherwise provided in this subparagraph (1), are conditions precedent to any right to payment under this program. Exportation to other than an eligible country, or during a period of time other than that specified in the exporter's contract with CCC or any extensions thereof approved in writing by the Vice President, CCC, as provided in paragraph (a) of this section, shall not entitle the exporter to any payment under this subpart, except that, if the rice is exported within 60 days after the end of the period of time specified in the exporter's contract with CCC or any extensions thereof under paragraph (a) of this section, the exporter shall be entitled to payment at the contract rate which would have been applied if the class and variety of rice exported had been exported on the last day of the contract export period, or any extension thereof under paragraph (a) of this section, without regard to any extensions of rate periods with respect to registered sales under § 1481.113(b), less liquidated damages for delay in exportation as provided herein. Except as provided in § 1481.112, the failure of the exporter to export the required quantity of rice in accordance with his contract with CCC will cause serious and substantial losses to CCC, such as damages to CCC's export and price-support programs, and the incurrence of storage, administrative, and other costs. Inasmuch as it will be difficult, if not impossible to prove the exact amount of such damages, the exporter shall pay to CCC, promptly on demand, for each day of delay in exportation beyond the period provided for export in his contract with CCC, or any extension of such period approved in writing by the Vice President, CCC, liquidated damages of 2½ cents per hundredweight on the net weight of the rice not exported: *Provided, however,* That such liquidated damages shall not exceed $1.50 per hundredweight on the net weight of rice not exported. Interest shall accrue on the amount of any unpaid damages at the rate of 6 percentum per annum for the period beginning with the 61st day after export should have been made and ending on the date of payment.

(2) The foregoing rate is agreed by the exporter and CCC to be a reasonable estimate of the probable actual damages that would be incurred by CCC. In addition to the foregoing, an exporter may be denied the right to continue participating in this program for his failure to export in accordance with the provisions of his contract with CCC.

(3) If the failure of the exporter to export the rice is due to cancellation of a registered sale, the exporter shall not be subject to payment of liquidated damages for failure to export under such sale if he establishes to the satisfaction of CCC that the cancellation was not due to causes arising from his fault or negligence. The exporter shall notify CCC promptly in every case where he is not able to fulfill his export obligation because of cancellation of a registered sale and shall furnish full information on the circumstances resulting in such cancellation.

(d) If the exportation of any milled rice or brown rice pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country as provided in paragraph (a) of this section, or if any milled rice or brown rice exported is reentered into the United States, including Alaska, Hawaii, or Puerto Rico, whether or not such reentry is caused by the exporter, or if any milled rice or brown rice exported is transshipped or caused to be transshipped by the exporter to any country excluded by § 1481.150, the exporter shall be in default, shall refund any payment made by CCC, and with respect to any milled rice or brown rice reentered into the United States, shall pay to CCC the liquidated damages specified in paragraph (c) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that (1) the reentry was not due to his fault or negligence and promptly after he received notice of reentry he exported the milled rice or brown rice required to be exported under his contract with CCC to an eligible country, or (2) the milled rice or brown rice reentered was lost, damaged, or destroyed and the physical condition is such that its reentry into the United States will not impair CCC's price support program.

§ 1481.112 Quantity tolerance.

(a) In determining an exporter's compliance with his export obligations under this program, the net quantity of rice exported shall be the net weight of brown rice where brown rice was exported and the net weight of milled rice where milled rice was exported.

(b) If an exporter exports or causes to be exported in accordance with the requirements of § 1481.111 a net quantity of rice less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity and submits a statement which establishes to the satisfaction of CCC that his failure to export the contract quantity is attributable to normal trade practices and not for the purpose of applying the quantity under-shipped to a contract with CCC providing a higher

[1] U.S. Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration, or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, the Agency for International Development; the Army and Air Force Exchange Service, and the Panama Canal Company. Sales of rice to foreign buyers, including foreign governments and not for transfer by such buyer to a U.S. Government agency though financed with funds made available by a U.S. agency, such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government agency.

export payment, he shall not be required to pay liquidated damages for failure to export the under-shipped quantity. If an exporter exports or causes to be exported in accordance with the requirements of § 1481.111 a net quantity greater than the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity and submits a statement which establishes to the satisfaction of CCC that exportation of the excess quantity is attributable to normal trade practices and not for the purpose of obtaining a higher export payment rate on the excess quantity than would otherwise be applicable, he may include such quantity in his application for export payment and receive payment for the quantity over-shipped at the same rate as provided in his contract with CCC. However, if the quantity exported is not more than one-half percent less or greater than the contract quantity, no statement to establish that the under- or over-shipment was due to normal trade practices will be required. On registered sales, the contract quantity for purposes of this section shall not include any specified loading tolerance, but no statement to establish that under- or over-shipment was due to normal trade practices will be required if the quantity exported is within a specified loading tolerance.

§ 1481.113 Export payment rates.

(a) CCC will issue rate schedules prior to the effective date of such schedules, listing the rates expressed in dollars and cents per hundredweight applicable to various classes and kinds of rice exported in accordance with this program. All rate schedules will be numbered, dated, and identified with this program, and will be effective for a period which shall be the longer of (1) the period specified in the rate schedule (which shall be not less than 7 calendar days), or (2) a period which ends on the calendar day preceding the effective date of the next rate schedule issued.

(b) Rates will be established for whole kernel milled rice of each class or variety and for the classes second heads, screenings and brewers milled rice. Each year, during separate periods for varieties of rice produced in the southern producing area and for varieties of rice produced in California, two subsidy rates will be in effect for rice of each class or variety and will be applicable to rice exported under contracts resulting from CCC's acceptance of offers or registration of sales during such periods. Such periods will cover approximately 90 days, as specified in the appropriate rate schedules, and will end on the dates on which it is anticipated that new crop rice will become available on the market. As specified in the rate schedules, one rate established for each class or variety will apply to rice exported before the end of the period applicable to the class or variety of rice exported, or with respect to a registered sale, any extension of such period approved by the Vice President, CCC, and the second rate will apply to rice exported after the end of such period or, if such period is extended with respect to a registered sale by the Vice President, CCC, after the end of such extended period.

(c) The export payment rate per net hundredweight of milled rice or brown rice exported will be determined as follows:

(1) For milled rice other than second heads, screenings or brewers, grading U.S. No. 6 or better, the export payment rate will be computed by (i) multiplying the percent of whole kernels, as shown on the official lot inspection certificate, by the applicable whole kernel rate for the class or variety, (ii) multiplying the percent of broken kernels, as shown on the official lot inspection certificate, by the rate for second heads, and (iii) adding the results.

(2) For milled rice which does not grade U.S. No. 6 or better, the export payment rate will be computed by multiplying the applicable rates for whole kernels, second heads, and screenings and brewers, by the respective percentages of each, as shown on the official lot inspection certificate covering the rice exported, and adding the results.

(3) For brown rice, the export payment rate will be computed by multiplying the milling yield percentages of whole kernels and of broken kernels, as indicated by an official lot inspection certification covering the brown rice exported, by the respective rates for the applicable class or variety of whole kernels and for second heads and adding the results.

(d) Nothing contained in this section shall be construed to extend the period for exportation specified in § 1481.111.

RICE EXPORT PAYMENT

§ 1481.115 Application for rice export payment.

An original and two (2) copies of Application for Rice Export Payment, Form CCC-409, must be prepared and submitted together with the evidence of export, as provided in § 1481.116, to the Kansas City ASCS Commodity Office. Supplies of Form CCC-409 and detailed instructions regarding the preparation and submission of the form may be obtained from the Kansas City ASCS Commodity Office.

§ 1481.116 Documents required as evidence of export.

(a) Each Application for Rice Export Payment, Form CCC-409, must be supported by the following documents as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if export is by water or air, a non-negotiable, duplicate copy of the applicable on-board commercial bill of lading signed by an agent of the export carrier, which shows the weight of the milled or brown rice, the identification of the export carrier, and that the rice is destined to an eligible country, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 1481.111(a)(2). In the case of rice in containers, a bill of lading showing the gross weight of the rice and the number of containers may be furnished, provided the bill of lading also shows the weight of the containers or the exporter furnishes an acceptable certification as to the weight of the containers. If exported under P.L. 480, the Purchase Authorization number shall be shown on the bill of lading. Where loss, destruction, or damage to the rice occurs subsequent to loading aboard the export carrier but prior to issuance of on-board bill of lading, one copy of loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, and not under P.L. 480, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export, which identifies the shipment(s), the date of clearance into the foreign country, and the weight of the rice, or, if in containers, the weight of the rice less the weight of the containers, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 1481.111(a)(2). If export is under P.L. 480, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter that "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing of this shipment under P.A. No. ______."

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

(4) One copy of an official lot inspection certificate-grade or lot inspection certificate-factor analysis, showing the variety and the percentage of whole kernels in the lot, properly identified to each cargo or carlot indicated in the export bill of lading or other documentary evidence of export, which was issued on the basis of an inspection (i) at the place and time of loading the rice to the export carrier, unless otherwise announced by CCC in writing prior to acceptance of the offer to export, or (ii) in the case of rice packed in bales or cases or where the total quantity of bagged rice on the export bill of lading is 500 hundredweight or less, at any location at time of shipment to port for export, if identifying markings peculiar to the lot of rice exported are shown on the inspection certificate, each export container, and the export bill of lading.

(5)(i) For rice exported in bags or other containers, one copy of a certification issued by or under the supervision of the Grain Division, Agricultural Marketing Service, showing that the rice was examined for checkweighing at time of loading the rice for shipment to port for

export or at time of loading the rice to the export carrier.

(ii) For rice exported in bulk by vessel, one copy of an official weight certificate applicable to the rice described in the on-board-ship bill of lading, issued at time of loading the rice to the vessel and showing date and places of issuance, name of vessel, and description of hold or tank in which the rice was stowed.

(iii) For rice exported in bulk by rail, (*a*) one copy of an official weight certificate applicable to the rice described in the bill of lading, issued at time of loading the rice to the rail-car and showing date and place of issuance and description of the rail-car, or (*b*) if an official weight certificate cannot be obtained, one copy of a railroad track scale ticket showing the actual light and heavy weights of the rail-car on which the rice was loaded, the date and place of issuance, and description of the rail-car.

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

(7) If the exporter is unable to supply documentary evidence of export as specified in the above provisions of this paragraph and establishes this fact to the satisfaction of the Vice President, CCC, CCC may accept such other documentary evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligations to export. If the exporter is unable to supply such other documentary evidence of export, CCC may, in its sole discretion and subject to such reduction in the export payment rate as may be specified by the Vice President, CCC, accept evidence of export which fails in one or more respects to meet all of the specified documentary requirements of this paragraph.

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

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

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

§ 1481.117 Export commodity certificate.

Upon receipt of an Application for Rice Export Payment, Form CCC-409, and satisfactory evidence of export, the ASCS Commodity Office will determine the amount of payment due and issue to the exporter an Export Commodity Certificate, Form CCC-341, hereinafter referred to in this subpart as "certificate", for the amount due.

(a) *Amount for which issued.* The amount shown in the space provided for value of the certificate will be the amount obtained by multiplying the number of net hundredweight of the brown or milled rice exported in accordance with the exporter's contract with CCC by the applicable export payment rate less any indebtedness which may be set off under § 1481.137(b).

(b) *Payee.* Except as provided in § 1481.137, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC or whose notice of sale has been registered by CCC.

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

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

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

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

REDEMPTION OF CERTIFICATES IN RICE

§ 1481.120 General provisions.

Certificates issued under this program or any other CCC program will be redeemable in rough rice which CCC makes available from its stocks for sale under this subpart either on a negotiated basis at the domestic market price, as determined by CCC, or on a bid basis subject to all terms and conditions contained in this section and §§ 1481.121 to 1481.150.

§ 1481.121 Value of certificates.

Certificates will be accepted by CCC at face value when applied pursuant to this subpart to the purchase of rice under a contract with CCC.

§ 1481.122 Offer to purchase rough rice with certificates.

CCC will issue Schedules of Available Rough Rice showing variety, class, grade, milling yield, quantity, and location of rough rice for which offers may be submitted and will indicate any lots to be sold on a bid basis. Offers to purchase rough rice with certificates may be submitted by letter, telegram, or orally, except that offers for any lots to be sold on a bid basis must be submitted by letter or telegram, to the Kansas City ASCS Commodity Office within the period stated for each Schedule. The exporter must specify the kind of rough rice, class, grade, quality and quantity desired, and the desired delivery point. Notwithstanding anything contained in the Schedule of Available Rough Rice, CCC reserves the right to determine the kind of rough rice, classes, grades, qualities and quantities, and point of delivery for which offers to purchase rice on a negotiated basis will be considered and to reject any offer, whether to purchase rice on a negotiated or bid basis, in whole or in part.

§ 1481.123 Creation of contracts.

(a) Preliminary negotiations for the purchase of rough rice from CCC under this subpart, on a negotiated basis shall be confirmed by written Confirmation of Sale (hereinafter referred to, in connection with a sale on a negotiated basis, as "confirmation") which shall be issued by the ASCS Commodity Office in duplicate. One copy of such confirmation shall be signed and returned by the exporter whose offer to purchase rough rice is accepted by CCC. Such confirmation, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the confirmation shall be of no effect. The term "date of sale", as used in this subpart and as applicable to a sale on a negotiated basis, shall mean the date that the parties concluded their preliminary negotiations, and such date will be specified in the confirmation.

(b) Acceptance by CCC of bids for the purchase of rough rice under this subpart shall be by telegram (hereinafter referred to in connection with a sale on a bid basis, as "acceptance") which shall be filed in the telegraph office by the ASCS Commodity Office. The exporter's bid, the acceptance, the provisions of the applicable Schedule of Rough Rice which pertain to the lots of rough rice purchased on a bid basis, and the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. The term "date of sale", as used in this subpart and as applicable to a sale on a bid basis, shall mean the date the acceptance was filed in the telegraph office.

§ 1481.124 Purchase price.

The purchase price shall be the current domestic market price as determined by CCC and specified in the confirmation, basis point of delivery of the rough rice sold on a negotiated basis, or

the bid price accepted by CCC and specified in the acceptance, basis point of delivery of the rough rice sold on a bid basis.

§ 1481.125 Payment terms and financial arrangements.

(a) The amount due CCC for rough rice purchased hereunder shall be paid by the exporter (referred to in this section through § 1481.131 as "purchaser"), by surrender to CCC within 90 days after the date of delivery of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificate having the earliest date of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess shall be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC, the purchase price of the rough rice applicable to the portion of the certificates being applied to the purchase.

(b) Financial arrangements covering the purchase price specified in the confirmation or the acceptance of any rough rice purchased from CCC hereunder shall be made prior to delivery of the rough rice by CCC in one (or a combination) of the following ways:

(1) Surrender to the ASCS Commodity Office of certificate(s) sufficient to pay for the rough rice.

(2) If a purchaser desires delivery prior to receipt by CCC of certificates, he may make payment in cash, certified check, or cashier's check for the rough rice to be delivered, or if delivery is to be made in store, he may request that CCC draw a sight draft on him through a named bank with warehouse receipts attached or request that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office. To the extent that acceptable certificates are received by CCC within 90 days after delivery of the rough rice to the purchaser, CCC shall promptly make refund of funds received.

(3) If a purchaser desires delivery prior to receipt by CCC of certificates, he may establish an irrevocable commercial letter of credit acceptable to CCC for an amount equivalent to the total amount of the purchase price of the rough rice plus interest thereon for 60 days, against which CCC will not draw to the extent that the purchaser pays to CCC the purchase price of the rough rice and any applicable interest promptly upon presentation of invoices or prior to invoicing by CCC. To the extent that such payment is not made, CCC will draw drafts under the letter of credit for the amount remaining unpaid, supported by a statement specifying the amount due. When financial arrangements are made in this manner, the following shall apply:

(i) The letter of credit shall have an effective period of at least 60 days from the final date for delivery of the rough rice to the purchaser as specified in the confirmation or acceptance. If a single letter of credit is used for this purpose as well as for the upward adjustment in price required under paragraph (c) of this section, the effective period shall be 150 days from the final date for delivery.

(ii) Interest on the purchase price of the rough rice shall be paid in cash for the period from the date of delivery of the rough rice to the date CCC receives acceptable certificates or cash or, in the case of payments against sight drafts drawn by CCC, the date CCC estimates the draft will be paid. The rate of interest will be the rate in effect on the date of sale as announced in the CCC Monthly Sales List for sales made under the CCC credit sales program for periods up to 6 months. The interest shall be included in the amount of sight drafts drawn by CCC.

(iii) Unless otherwise requested by the purchaser, CCC shall, promptly after receiving cash for application on the purchase price and/or interest, or acceptable certificates for application on the purchase price, notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit in an amount equivalent to the amount of cash or acceptable certificates received.

(iv) To the extent acceptable certificates are received by CCC within 90 days after delivery of the rough rice to the purchaser, CCC shall promptly make refund of any funds received representing the purchase price of the rice (but not any interest).

(c) The amount of the upward adjustment in price which is provided in § 1481.130 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the confirmation of sale or acceptance. Financial arrangements for such price adjustments shall be made in one of the following ways:

(1) Deposit of cash, certified check, or cashier's check in the amount of the upward adjustment, or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the confirmation of sale or acceptance and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement specifying the amount due CCC. Promptly after CCC receives acceptable certificates in payment of the rice purchased as provided in paragraph (b) (2) or (3) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of funds received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the rough rice by CCC on purchases which provide for delivery within 5 days following the date of the sale, and

(2) On all other purchases, not less than 5 days prior to delivery of the rough rice by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make financial arrangements acceptable to CCC in accordance with paragraph (d) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1481.126 Delivery.

(a) The method, time, and place of delivery by CCC will be as specified in the confirmation or acceptance (which, in the case of the acceptance, shall be the same as was stated in the applicable Schedule of Available Rough Rice issued by CCC).

(b) If the rough rice is to be delivered in-store, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of in-store delivery, the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman. All warehouse charges accruing after delivery except loading-out charges to the extent prepaid shall be for the account of the purchaser.

(c) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing shall be for the account of the purchaser: *Provided*, That if delivery is not made within 30 days after the date of sale, the purchaser shall make cash settlement with CCC for warehouse charges on the rough rice not delivered, at the rate specified in the confirmation or acceptance for the period beginning on the 31st day to and including the date of delivery, or if the purchaser fails to take delivery, to and including the final date for delivery specified in the confirmation or acceptance, or any written extension thereof: *Provided further*, That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault of the purchaser.

(d) If, on deliveries other than in-store, the purchaser fails to take delivery of the rough rice within the delivery period specified in the confirmation or acceptance, or any written extension thereof, CCC may at its option deliver the rough rice in-store in a warehouse of its choice by delivery of endorsed ware-

house receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1481.127 Specifications.

(a) If the rough rice is to be delivered in-store, CCC shall deliver warehouse receipts, or other evidence of title, representing rough rice of the quantity, class, grade and/or quality stated in the confirmation or acceptance, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the rough rice is to be delivered other than in-store, the quantity, class, grade and/or quality delivered shall be that stated in the confirmation or acceptance. Determinations as to the class, grade, and/or quality of the rough rice delivered shall be made on the basis of official inspection at point of delivery, unless otherwise specified in the confirmation or acceptance. The method of determining the quantity delivered shall be as stated in the confirmation or acceptance. If the rough rice delivered is within the quality tolerance, if any, specified in the confirmation or acceptance, such delivery shall be accepted by the purchaser. If the rough rice delivered is not within the quality tolerance, if any, specified in the confirmation or acceptance, the rough rice may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality difference in accordance with current market premiums and discounts, as determined by CCC. In case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity, if available, at a location acceptable to the purchaser. The purchaser may reject any over-deliveries in quantity. Over-deliveries in quantity accepted by the purchaser shall be settled for at the purchase price unless a different price has been agreed to between CCC and the purchaser. In case of under-deliveries, a balance certificate shall be issued by CCC. In the case of over-deliveries, the purchaser shall tender cash or certificates to CCC. If the value of rough rice delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of rough rice delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 1481.128 Export requirements.

(a) The purchaser shall, within 180 days after the date of sale by CCC of the rough rice or within such extension of that period as may for good cause be approved by the Vice President, CCC, in writing, before or after expiration of such 180-day period, export, or cause to be exported to an eligible country,[2] quantities of milled rice or brown rice of the same variety as the rough rice delivered by CCC as follows:

(1) Milled rice (except unpolished milled rice) equal to the total milling yield of the rough rice delivered, including a quantity of whole kernels not less than the whole kernel yield, based on official lot inspection certificates issued as specified in the confirmation or acceptance; or

(2) Unpolished milled rice equal to 105 percent of the total milling yield of the rough rice delivered, including a quantity of whole kernels not less than 110 percent of the whole kernel yield, based on official lot inspection certificates issued as specified in the confirmation or acceptance; or

(3) Brown rice sufficient to produce a quantity of total milled rice equal to the total milling yield of the rough rice delivered, including a quantity of milled whole kernels not less than the whole kernel yield, based on official lot inspection certificates issued as specified in the confirmation or acceptance, determined on the basis of the milling yield of the brown rice exported as evidenced by an official lot inspection certificate.

Milled rice or brown rice exported shall have been produced from rough rice grown in the continental United States. The rice exported shall not be reentered by anyone into the United States, including Alaska, Hawaii, and Puerto Rico, nor shall the purchaser cause the rice exported to be transshipped to any country excluded by § 1481.150. If the rough rice purchased was delivered to the purchaser in the Arkansas milling area (Arkansas, Mississippi, Missouri, and Tennessee), the equivalent milled rice or brown rice exported shall have been moved to export position from a mill point in the Arkansas milling area, or the identical rough rice purchased shall have been moved to a mill point outside of the Arkansas milling area, on or after the date of purchase of the rough rice and prior to submission of evidence of export. As evidence of compliance with this provision, the purchaser shall furnish a copy of the bill of lading covering such movement, properly identified with the lot of rice moved, together with the required evidence of export.

(b) The purchaser shall, within 30 days after export, furnish to the ASCS Commodity Office evidence of such export, as required in § 1481.129. Failure of the purchaser to furnish CCC evidence of export within 210 days after date of sale of the rough rice to him, or in the case of an extension of the time for export, within 30 days from the last date specified for export under such extension, shall constitute prima facie evidence of failure to export.

§ 1481.129 Evidence of export.

(a) Evidence of export shall be furnished within the period specified in § 1481.128(b), and shall consist of the following documents as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if the export is by water or air, a nonnegotiable, duplicate copy of the applicable onboard commercial bill of lading certified by the purchaser as true and correct and signed by an agent of the export carrier, which shows the weight of the milled or brown rice, the identification of the export carrier, that the rice is destined to an eligible country, and the CCC sales contract number, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 1481.111(a)(2). In the case of rice in containers, a bill of lading showing the gross weight of the rice and the number of containers may be furnished, provided the ocean bill of lading also shows the weight of the containers or the purchaser furnishes an acceptable certification as to the weight of the containers. Where loss, destruction, or damage to the rice occurs subsequently to loading aboard the export carrier but prior to issuance of on-board bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the rice, or, if in containers, the weight of the rice less the weight of the containers, and the CCC sales contract number, together with, in the case of export by the Army and Air Force Exchange Service or the Panama Canal Company, the certification specified in § 1481.111(a)(2). The unauthenticated copy, or photostat copy, shall bear one of the following statements certified by the purchaser: "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of banking institution) with my draft for financing under P.A. No. ______", or "The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the ASCS Commodity Office) with my application for rice export payment under Acceptance of Offer No. ______".

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

(4) One copy of an official lot inspection certificate-grade or lot inspection certificate-factor analysis, showing the vairety and the percentage of whole kernels in the lot, properly identified to each cargo or carlot indicated in the export bill of lading or other documentary evidence of export, which was issued on the basis of an inspection (i) At the place and time of loading the rice to the export carrier unless otherwise announced by CCC in writing, or (ii) in the case of rice packed in bales or cases or where the total quantity of bagged rice on the export bill of lading is 500 hun-

[2] Exportation by or to a U.S. Government Agency shall not constitute an exportation to an eligible country except as provided in § 1481.111(a).

dredweight or less, at any location at time of shipment to port for export, if identifying markings peculiar to the lot of rice exported are shown on the inspection certificate, each export container, and the export bill of lading.

(5) (i) For rice exported in bags or other containers, one copy of a certification issued by or under the supervision of the Grain Division, Agricultural Marketing Service, showing that the rice was examined for checkweighing at time of loading the rice for shipment to port for export or at time of loading the rice to the export carrier.

(ii) For rice exported in bulk by vessel, one copy of an official weight certificate applicable to the rice described in the onboard ship bill of lading, issued at time of loading the rice to the vessel and showing date and place of issuance, name of vessel, and description of hold or tank in which the rice was stowed.

(iii) For rice exported in bulk by rail, (*a*) one copy of an official weight certificate applicable to the rice described in the bill of lading, issued at time of loading the rice to the rail-car and showing date and place of issuance and description of the rail-car, or (*b*) if an official weight certificate cannot be obtained, one copy of a railroad track scale ticket showing the actual light and heavy weights of the rail-car on which the rice was loaded, the date and place of issuance, and description of the rail-car.

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

(7) In the event that the exporter is unable to supply documentary evidence of export as specified in the above provisions of this paragraph and establishes such fact to the satisfaction of the Vice President, CCC, CCC may accept such other evidence of export as will establish to the satisfaction of the Vice President, CCC, that the exporter has fully complied with his obligations to export.

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

(c) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of rice required to be exported under the purchaser's contract with CCC, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different purchase contract with CCC under this program or under any other program of CCC requiring the export of a quantity of rice, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the purchaser identifying all such contracts with CCC to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract.

§ 1481.130 Adjusted sales price.

(a) Sales of rough rice under this announcement are made at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 1481.125 and upon the further condition that there is compliance with provisions of §§ 1481.128 and 1481.129. In the event of a failure to comply with such conditions, the sales price with respect to the quantity of rough rice involved shall be the highest of the following prices in effect on the date of sale:

(1) CCC's statutory minimum sales price for unrestricted use for the same kind, class, grade, and quality of the rough rice, as determined by CCC, or

(2) The sales price, announced by CCC, for sale for unrestricted use of the same kind, class, grade and quality of the rough rice, or

(3) If no such sales price has been announced, the highest domestic market price at the point where CCC delivered the rough rice, as determined by CCC.

(b) The total amount of any upward adjustment in sales price arising under this section shall be paid in cash by the purchaser to CCC promptly upon demand plus interest at the rate of 6 percent per annum from the date of sale. An upward adjustment in sales price will not be made to the extent that the Vice President, CCC, or his designated representative, determines that

(1) The milled rice or brown rice has not been exported or has been reentered or transshipped into the continental United States, Alaska, Hawaii, or Puerto Rico, due to causes without the fault or negligence of the purchaser and that the quantity of milled rice or brown rice involved was, pursuant to written approval of CCC, subsequently exported to an eligible country within a period specified by CCC in such approval, and that the purchaser submitted evidence of such exportation in accordance with § 1481.129, or

(2) That milled rice or brown rice placed in transit to an export location for export pursuant to this announcement, or reentered or transshipped into the continental United States, Alaska, Hawaii, or Puerto Rico, was lost, damaged, destroyed, or deteriorated and the physical condition thereof is such that its entry into domestic market channels will not impair CCC's price support operations, or

(3) Rough rice or equivalent milled rice or brown rice, required by §1481.128 (a) to be moved from the Arkansas milling area, was not moved due to causes without the fault or negligence of the purchaser.

§ 1481.131 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the rough rice due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

MISCELLANEOUS PROVISIONS

§ 1481.134 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure acceptance of any offer under this subpart upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability or in its discretion to require the purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

§ 1481.135 Performance guarantee.

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

§ 1481.136 Good faith.

If the Vice President, CCC, after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participation in this program or the right to receive payment under this subpart in connection with any transaction previously made under this program, or both. Any such action shall not affect any other right of the Department of Agriculture or the United States.

§ 1481.137 Assignments and setoffs.

(a) No assignment shall be made by an exporter of the exporter's agreement, or of any rights thereunder, except that the exporter may assign the payments due the exporter under an Application for Rice Export Payment, Form CCC-409, to any bank, trust company, Federal lending agency, or other financing institution, and, subject to the approval of the Vice President, CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC-251, "Notice of Assignment", which form must be used in giving notice of assignment to CCC: *And provided further*, That any such assignment shall cover all amounts payable and not already paid under the contract and shall not be made to more than one person and shall not be subject to further assignment except that any such assignment may be made to one party as agent or trustee for two or more

persons participating in such financing. The "Instrument of Assignment" may be executed on Form CCC-252 or the assignee may use his own form of assignment. Forms may be obtained from the Contracting Officer, CCC, or any ASCS Commodity Office.

(b) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Rice Export Payment, Form CCC-409. In the case of an assignment, and notwithstanding such assignment, CCC may set off (1) any amounts due CCC under the exporter's agreement pursuant to the terms and conditions of this program and (2) any other amounts due CCC if CCC notified the assignee of such amounts to be set off at the time acknowledgment was made of receipt of notice of such assignment. Setoff as provided herein shall not deprive the exporter of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1481.138 **Records and accounts.**

Each exporter shall maintain accurate records showing milled rice or brown rice exported or to be exported in connection with this program. Such records, accounts and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture, and shall be preserved for two years after date of export.

§ 1481.139 **Reports.**

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

§ 1481.140 **ASCS Commodity Office.**

Information concerning this program may be obtained from the ASCS Commodity Office listed below:

Director, Kansas City ASCS Commodity Office,
U.S. Department of Agriculture,
Post Office Box 205,
Kansas City, Mo. 64141.

§ 1481.141 **Officials not to benefit.**

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

§ 1481.142 **Amendment and termination.**

This program may be amended or terminated by filing of such amendment or termination with the FEDERAL REGISTER for publication. Any such amendment or termination shall not be applicable to contracts made prior to the time such amendment or termination becomes effective.

DEFINITIONS

§ 1481.150 **Eligible country.**

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

§ 1481.151 **Export and exportation.**

"Export" and "exportation" means, except as hereinafter provided, a shipment from the United States or Puerto Rico destined to another area excluding the United States, Alaska, Hawaii, and Puerto Rico. The milled rice or brown rice so shipped shall be deemed to have been exported on the date which appears on the applicable on-board vessel export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the continental United States is by truck or rail, the date the shipment clears U.S. Customs. If milled rice or brown rice is lost, destroyed, or damaged after loading on board an export ship, exportation shall be deemed to have been made as of the date of the on-board ship ocean bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading aboard ship but prior to issuance of on-board ship ocean bill of lading or such other document: *Provided*, That if the "lost" or "damaged" rice remains in the United States or Puerto Rico, it shall be considered as reentered rice and shall be subject to the provisions of § 1481.111(d).

§ 1481.152 **Exporter.**

"Exporter" means an individual, corporation, partnership, association, or other business entity, which is engaged in the business of buying and selling rice for export and for this purpose maintains a bona fide business office in the continental United States, and therein has a person, principal or resident agent upon whom service of process may be had.

§ 1481.153 **Rough rice, milled rice, and brown rice.**

"Rough rice, milled rice, and brown rice" means those commodities as defined in the official U.S. Standards for Rough Rice, Brown Rice, and Milled Rice. Classes and grades of rough rice, brown rice, and milled rice shall be as set forth in the official standards and as evidenced by official lot inspection certificates.

§ 1481.154 **Official lot inspection certificate.**

"Official lot inspection certificate" means a certificate of inspection issued by or under the supervision of the Grain Division, Agricultural Marketing Service, in accordance with the official U.S. Standards for Rough Rice, Brown Rice, and Milled Rice.

§ 1481.155 **United States.**

"United States" unless otherwise qualified means the continental United States, excluding Alaska.

§ 1481.156 **Vice President.**

"Vice President" means the Vice President of the Commodity Credit Corporation who is the Administrator of the Foreign Agricultural Service, or his designee.

§ 1481.157 **General Sales Manager.**

"General Sales Manager" means the General Sales Manager of the Foreign Agricultural Service, or his designee.

§ 1481.158 **Official weight certificate.**

"Official weight certificate" means a weight certificate issued by (a) Chambers of Commerce, Boards of Trade, Grain Exchanges, State Weighing Departments, or other organizations having qualified, independent, impartial paid employees stationed at elevators or warehouses, or (b) by or on authority of such organizations where weighing is performed by elevator or warehouse employees under the supervision of a qualified, independent, impartial supervising weighmaster employed by one of the above organizations.

§ 1481.159 **P.L. 480.**

"P.L. 480" means the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480, 83d Congress), as amended.

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

Effective date: On the seventh calendar day following the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 21, 1965.

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

NOTICE TO EXPORTERS

(REVISION OF OCTOBER 19, 1960)

The Department of Commerce, Bureau of International Programs pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except bandages, gauze, and absorbent cotton with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East, including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated licenses issued by the U.S. Department of Commerce, Bureau of International Programs.

These regulations generally require that exporters, in or in connection with their contacts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country or Cuba, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with

a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in Department of Commerce Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Programs or one of the field offices of the Department of Commerce.

The above statement is with respect to the regulations of the Department of Commerce as of October 19, 1960. Exporters should consult the applicable regulations for more detailed information if desired and for any changes that may be made therein subsequent to such date.

[F.R. Doc. 65-770; Filed, Jan. 25, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 1798; Amdt. 61-12]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Student Pilot Instrument Flight Instruction

The purpose of this amendment is to permit a student pilot to make solo flights within a local area before he receives instrument flight instruction and thereby provide greater flexibility in the student's training program.

Civil Air Regulations Amendment 20-12, effective March 16, 1960, added an instrument instruction requirement to the private pilot aeronautical skill and experience requirements. This amendment required an applicant to have dual instruction in the control of the airplane solely by reference to instruments before and after solo flight. The amendment further required a demonstration of instrument flight as a part of the aeronautical skill requirements for a private pilot.

A literal interpretation of this rule placed the Agency in the position of permitting a student pilot to solo without receiving instrument instruction, but refusing him a private pilot certificate because his instrument instruction was not received before he soloed. To resolve this problem, the Agency, by Amendment No. 61-2 (28 F.R. 2003), made the instrument instruction a prerequisite for student pilot solo flight instead of a prerequisite for obtaining a private pilot certificate. Under this amendment a student pilot who accomplished his solo flight without instrument training before the effective date of the final rule would not be precluded from obtaining a private pilot certificate. However, in view of the comments received to the amendment the Agency stated that it had initiated a review of the present private and student pilot experience requirements, and, if necessary, an appropriate notice of rule making would be issued.

As a result of this review the Agency found that there appeared to be disagreement among interested persons, including flight instructors and pilots, as to the desirability of the present rule that requires instrument instruction before solo. However, whatever the point of view, a general agreement existed that the relationship of the flight instructor to his student is a very personal one, that the progress of a student can be measured best by his instructor, and that the judgment of the instructor as to the capacity of his student and as to the time the student would most benefit from instrument instruction must be given great weight. Finally, we found little disagreement with the requirement that the issue of a private pilot certificate be conditioned upon some minimum instrument capacity; disagreement being focused essentially upon the time when the instrument instruction should begin in the educational process rather than whether it should be given at all.

With these considerations in mind, the Agency then explored various alternatives to the present requirement, all based on the decision that instrument instruction is necessary at some time before issuance of a private pilot certificate. Certain phases in the progress of a student pilot's training stand out as times when instrument instruction might most logically begin. One is that of the present rule, prior to any solo. Another is prior to the student's first solo flight beyond the local area. A third is the period after the first solo cross-country flight.

The Agency found the desirability of adopting the third alternative to be questionable. The benefits to be derived from student pilot instrument instruction are generally enhanced by its early introduction with other flight instruction. These benefits will in part be lost if the instrument instruction is not given until after the student's solo cross-country flight.

This left the alternatives of the present rule and a change to require that instrument instruction be given before the first solo cross-country flight. We concluded that the present rule might not provide for enough flexibility in the student pilot's training curriculum. The certificated flight instructor is in an excellent position to know when his student should be introduced to instrument flight. He is able to evaluate the particular student's progress, capabilities, and needs. This approach would allow the instructor to make an independent judgment as to the appropriate time for such an introduction—either before or after local solo flight. The benefits of integrated flight instruction would be preserved, perhaps even enhanced, by relying on the flight instructor to introduce instrument flight instruction at a time more tailored to the individual student's needs.

Accordingly, under Notice No. 63-22 (28 F.R. 6403) it was proposed to amend the present rule to require only that instrument instruction be given before solo cross-country flight rather than before any solo flight. This amendment would enhance the personal relationship between the student and his instructor as well as ensure that the student pilot has had at least some instrument training before his first solo cross-country.

Comments to Notice No. 63-22 indicate there is still disagreement in theory and practice as to when to given the student pilot instrument instruction. Some of the comments objected to this proposal on the basis that the flight instructor is best qualified to decide when to give instrument instruction to an individual student pilot. Others, however, objected to the proposal on the basis that the more restrictive provisions of the present rule should remain in effect. Somewhat more than half of the comments concurred with the proposal without indicating a preference to modify it one way or another. After careful review of the various positions and the reasons therefore presented by all interested persons, the Agency has determined that the objectives of student pilot instrument instruction will best be accomplished by adopting the rule as it was proposed in Notice No. 63-22. Therefore, for the reasons stated in the notice, and referred to herein, that part of the rule pertaining to student pilot instrument instruction is adopted without change.

Notice No. 63-22 also proposed a requirement that a flight instructor must determine that a student pilot meets the regulatory requirements for solo or solo cross-country flight, as the case may be, before he may endorse the student's certificate. That requirement is now contained in Notice No. 64-18 (Biennial Expiration and Renewal of Flight Instructor Certificates and Increased Supervision of Student Pilot Activities—29 F.R. 4738) and action will be taken on it under that Notice.

Interested persons have been afforded an opportunity to participate in the making of this amendment (28 F.R. 6403), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 61 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective February 26, 1965, as follows:

1. By inserting a semicolon after the word "glides" in paragraph (a)(2)(i) of § 61.63 and striking out the phrase "by both visual reference outside the airplane and by referring solely to flight instruments;".

2. By striking out the last sentence of paragraph (a) of § 61.63.

3. By revising the parenthetical expression in paragraph (b) of § 61.65 to read "(from a holder of a flight instructor certificate with an airplane rating)".

4. By striking out the word "and" in paragraph (b)(5) of § 61.65 and by inserting a new paragraph (b)(7) to read as follows:

(7) Level flight, turns, climbs, and glides by referring solely to flight instruments; and

5. By adding a flush sentence at the end of § 61.65 to read as follows: "The instrument flight instruction required by paragraph (b) (7) of this section shall be given in an airplane equipped with at least a sensitive altimeter, turn and bank indicator, and a means of simulating instrument flight."

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

Issued in Washington, D.C., on January 18, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-726; Filed, Jan. 25, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-76]

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

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

On November 7, 1964, a notice of proposed rulemaking was published in the FEDERAL REGISTER (29 F.R. 15091) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Hutchinson, Kansas, terminal area.

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

The proposed Hutchinson, Kans., transition area overlies, in part, the existing Salina, Kans., transition area. The Salina transition area was to be altered so as to abut the Hutchinson transition area. However, due to the planned decommissioning of Schilling AFB, the proposed airspace action for the Salina terminal area has been deferred. In addition, the existing Salina transition area refers to the Hutchinson RBN which has been decommissioned. To correct both the foregoing discrepancies, the Agency proposes to modify the description of the Salina transition area simultaneously with the implementation of the subject Rule. The proposed modification of the Salina transition area will not change the amount of airspace proposed for the Hutchinson transition area. Also, the descriptions of the Hutchinson, Kans., control zone and transition area make numerous references to the Hutchinson VOR as a reference point. These were typographical errors, and the navigation aid used as a reference point in these descriptions is correctly described hereinafter as the Hutchinson VORTAC. Since these changes to the proposed rule are minor in nature and impose no additional burden on any person, further notices and public procedure hereon are not necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 1, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 17557) is amended as follows: The Hutchinson, Kans., control area extension is revoked.

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

HUTCHINSON, KANS.

Within a 5-mile radius of the Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'38" W.), and within 2 miles each side of the 042° radial of the Hutchinson VORTAC extending from the 5-mile radius Zone SW to the VORTAC, and within A 5-mile radius of the Hutchinson ANG Base (latitude 37°55'35" N., longitude 97°54'20" W).

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

HUTCHINSON, KANS.

That airspace extending upward from 700 feet above the surface within a 8-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'38" W.), and within a 7-mile radius of Hutchinson ANG Base (latitude 37°55'35" N., longitude 97°54'-20" W.), and within 8 miles NW and 5 miles SE of the 222° radial of the Hutchinson VORTAC extending from the VORTAC to a point 12 miles SW, and within 8 miles W and 5 miles E of the 342° radial of the Hutchinson VORTAC extending from the VORTAC to a point 12 miles N and within 8 miles NE and 5 miles SW of the Hutchinson ILS localizer NW course extending from the 8-mile radius area to a point 12 miles NW of the OM; and that airspace extending upward from 1200 feet above the surface within a 30-mile radius of the Hutchinson VORTAC, and within 5 miles SW and 8 miles NE of the Hutchinson VORTAC 296° radial extending from the 30-mile radius to 33 miles NW of the VORTAC, and the area SW of Hutchinson bounded on the NE by the arc of the 30-mile radius circle centered on the Hutchinson VORTAC, on the S by the N edge of V-12N, on the NW by the SE edge of V-280, excluding the Wichita, transition area; and that airspace W of Hutchinson extending upward from 3500 feet MSL bounded on the E by the arc of the 30-mile radius circle centered on Hutchinson VORTAC, on the S by the N edge of V-10, and on the N by the S edge of V-10N, excluding the Great Bend transition area.

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

SALINA, KANS.

That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Schilling AFB, Salina, Kans. (latitude 38°47'30" N., longitude 97°38'45" W.); that airspace extending upward from 3,500 feet MSL in the area N of Salina, bounded on the E by the Emporia, Kans., VORTAC 346° radial, on the S by the N boundary of V-4 and the 286° radial of the Salina VORTAC, on the W by longitude 98°-30'00" W., and on the N by V-216; and that airspace S of Salina bounded on the E by longitude 97°00'00" W., on the S by V-280 E of the Hutchinson, Kans., VORTAC and V-132 W of the Hutchinson VORTAC on the W by longitude 98°45'00" W., on the N by V-4 W of the Salina VORTAC and V-4 S alternate E of the Salina VORTAC, excluding the portions within the Hutchinson, Kans., transition area and the Manhattan, Kans., transition area, and within V-73 more than 25 miles from Schilling AFB. The portions of this transition area within R-3601 shall be used only after obtaining prior approval from the appropriate authority.

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

Issued in Kansas City, Mo., on January 15, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-727; Filed, Jan. 25, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-103]

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

Alteration of Federal Airways and Revocation of Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to redesignate the segment of VOR Federal airway No. 161 from Brainerd, Minn., via the intersection of the Brainerd 022° and the Hibbing, Minn., 258° True radials to Hibbing; redesignate the segment of VOR Federal airway No. 462 from Bemidji, Minn., direct to Duluth, Minn.; and revoke the Grand Rapids, Minn., transition area.

Interference is now being encountered in all quadrants of the Grand Rapids, Minn., VOR. Due to this condition and the results of a recent FAA flight check of the Grand Rapids VOR, it has been determined that this facility cannot be utilized to support IFR navigation and procedures.

The extended segment of V-161 will utilize a considerable portion of the controlled airspace currently designated as the Grand Rapids transition area which is to be revoked as set forth below. The redesignation of the segment of V-462 from Bemidji to Duluth requires a changeover point to be established at a point 40 nautical miles southeast of the Bemidji VOR and necessitates this airway segment to be expanded on the 4.5° principle.

At present, NOTAMs have been issued cancelling the pertinent instrument approach procedures predicated upon the Grand Rapids VOR and implementing substitute airways.

Since the foregoing situation is one of urgency and is detrimental to aviation safety, the Administrator finds that notice and public procedure regarding these amendments are impracticable and contrary to the public interest. Action will be initiated to have an appropriate NOTAM issued detailing these amendments which shall become effective upon publication in the FEDERAL REGISTER.

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

1. In § 71.123 (29 F.R. 17509), V-161 and V-462 are amended as follows:

a. In V-161 "to Grand Rapids, Minn." is deleted and "INT of Brainerd 022° and Hibbing, Minn., 258° radials; to Hibbing." is substituted therefor.

b. In V-462 "From Bemidji, Minn., via Grand Rapids, Minn.; to Duluth, Minn." is deleted and "From Bemidji, Minn., to Duluth, Minn." is substituted therefor.

2. In § 71.181 (29 F.R. 17643), the Grand Rapids, Minn., transition area is revoked.

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

Issued in Washington, D.C., on January 21, 1965.

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

[F.R. Doc. 65-819; Filed, Jan. 25, 1965; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 21—CORSET, BRASSIERE, AND ALLIED PRODUCTS INDUSTRY

Rescission of Section

Notice is hereby given that § 21.4 *Identification and disclosure of fiber or material content*, of the Trade Practice Rules for the Corset, Brassiere, and Allied Products Industry is rescinded.

Effective: January 26, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-705; Filed, Jan. 25, 1965; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6794]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Land Clearing Expenditures of Farmers

On September 30, 1964, notice of proposed rulemaking with respect to the Income Tax Regulations (26 CFR Part 1) prescribed under section 182 of the Internal Revenue Code of 1954, as added by section 21(a) of the Revenue Act of 1962 (76 Stat. 1063), and the amendment of such regulations under section 263 of such Code to conform to section 21(b) of the Revenue Act of 1962 (76 Stat. 1064), was published in the FEDERAL REGISTER (29 F.R. 13481). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the amendments of the regulations as proposed are hereby adopted.

[SEAL] BERTRAND M. HARDING, *Acting Commissioner of Internal Revenue.*

Approved: January 21, 1965.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

The following regulations relating to land clearing expenditures of farmers, effective for taxable years beginning after December 31, 1962, are hereby prescribed under section 182 of the Internal Revenue Code of 1954, as added by section 21(a) of the Revenue Act of 1962 (76 Stat. 1063). In addition, the regulations under section 263 of such Code are amended in order to conform such regulations to section 21(b) of the Revenue Act of 1962 (76 Stat. 1064):

PARAGRAPH 1. There are inserted immediately after § 1.180-2 the following new sections:

§ 1.182 Statutory provisions; expenditures by farmers for clearing land.

SEC. 182. *Expenditures by farmers for clearing land*—(a) *In general.* A taxpayer engaged in the business of farming may elect to treat expenditures which are paid or incurred by him during the taxable year in the clearing of land for the purpose of making such land suitable for use in farming as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(b) *Limitation.* The amount deductible under subsection (a) for any taxable year shall not exceed whichever of the following amounts is the lesser:

(1) $5,000, or

(2) 25 percent of the taxable income derived from farming during the taxable year.

For purposes of paragraph (2), the term "taxable income derived from farming" means the gross income derived from farming reduced by the deductions allowed by this chapter (other than by this section) which are attributable to the business of farming.

(c) *Definitions.* For purposes of subsection (a)—

(1) The term "clearing of land" includes (but is not limited to) the eradication of trees, stumps, and brush, the treatment or moving of earth, and the diversion of streams and watercourses.

(2) The term "land suitable for use in farming" means land which as a result of the activities described in paragraph (1) is suitable for use by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock.

(d) *Exceptions, etc.*—(1) *Exceptions.* The expenditures to which subsection (a) applies shall not include—

(A) The purchase, construction, installation, or improvement of structures, appliances, or facilities which are of a character which is subject to the allowance for depreciation provided in section 167, or

(B) Any amount paid or incurred which is allowable as a deduction without regard to this section.

(2) *Certain property used in the clearing of land*—(A) *Allowance for depreciation.* The expenditures to which subsection (a) applies shall include a reasonable allowance for depreciation with respect to property of the taxpayer which is used in the clearing of land for the purpose of making such land suitable for use in farming and which, if used in a trade or business, would be property subject to the allowance for depreciation provided by section 167.

(B) *Treatment as depreciation deduction.* For purposes of this chapter, any expenditure described in subparagraph (A) shall, to the extent allowed as a deduction under subsection (a), be treated as an amount allowed under section 167 for exhaustion, wear and tear, or obsolescence of the property which is used in the clearing of land.

(e) *Election.* The election under subsection (a) for any taxable year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such taxable year. Such election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. Such election may not be revoked except with the consent of the Secretary or his delegate.

[Sec. 182 as added by sec. 21, Rev. Act 1962 (76 Stat. 1063)]

§ 1.182-1 Expenditures by farmers for clearing land; in general.

Under section 182, a taxpayer engaged in the business of farming may elect, in the manner provided in § 1.182-6, to deduct certain expenditures paid or incurred by him in any taxable year beginning after December 31, 1962, in the clearing of land. The expenditures to which the election applies are all expenditures paid or incurred during the taxable year in clearing land for the purpose of making the "land suitable for use in farming" (as defined in § 1.182-4) which are not otherwise deductible (exclusive of expenditures for or in connection with depreciable items referred to in paragraph (b)(1) of § 1.182-3), but only if such expenditures are made in furtherance of the taxpayer's business of farming. The term "expenditures" to which the election applies also includes a reasonable allowance for depreciation (not otherwise allowable) on equipment used in the clearing of land provided such equipment, if used in the carrying on of a trade or business, would be subject to the allowance for depreciation under section 167. (See paragraph (c) of § 1.182-3.) (See section 175 and the regulations thereunder for deductibility of certain expenditures for treatment or moving of earth by a farmer where the land already qualifies as land used in farming as defined in § 1.175-4.) The amount deductible for any taxable year is limited to the lesser of $5,000 or 25 percent of the taxable income derived from farming (as defined in paragraph (a)(2) of § 1.182-5) during the taxable year. Expenditures paid or incurred in a taxable year in excess of the amount deductible under section 182 for such taxable year shall be treated as capital expenditures and shall constitute an adjustment to the basis of the land under section 1016(a).

§ 1.182-2 Definition of "the business of farming."

Under section 182, the election to deduct expenditures incurred in the clearing of land is applicable only to a taxpayer who is engaged in "the business of farming" during the taxable year. A taxpayer is engaged in the business of farming if he cultivates, operates, or manages a farm for gain or profit, either as owner or tenant. For purposes of section 182, a taxpayer who receives a rental (either in cash or in kind) which is based upon farm production is engaged in the business of farming. However, a taxpayer who receives a fixed rental (without reference to production) is engaged in the business of farming only if he participates to a material extent in the operation or management of the farm. A taxpayer engaged in forestry or the growing of timber is not thereby engaged in the business of farming. A person cultivating or operating a farm for recreation or pleasure rather than for profit is not engaged in the business of farming. For purposes of section 182 and this section, the term "farm" is used in its ordinary, accepted sense and includes stock, dairy, poultry, fish, fruit, and truck farms, and also plantations, ranches, ranges, and orchards. A fish farm is an area where fish are grown or raised, as opposed to merely caught or harvested; that is, an area where they are artificially fed, protected, cared for, etc. A taxpayer is engaged in "the business of farming" if he is a member

of a partnership engaged in the business of farming. See § 1.702-1.

§ 1.182-3 Definition, exceptions, etc., relating to deductible expenditures.

(a) *"Clearing of land."* (1) For purposes of section 182, the term "clearing of land" includes (but is not limited to)—

(i) The removal of rocks, stones, trees, stumps, brush or other natural impediments to the use of the land in farming through blasting, cutting, burning, bulldozing, plowing, or in any other way;

(ii) The treatment or moving of earth, including the construction, repair or removal of nondepreciable earthen structures, such as dikes or levies, if the purpose of such treatment or moving of earth is to protect, level, contour, terrace, or condition the land so as to permit its use as farming land; and

(iii) The diversion of streams and watercourses, including the construction of nondepreciable drainage facilities, provided that the purpose is to remove or divert water from the land so as to make it available for use in farming.

(2) The following are examples of land clearing activities:

(i) The cutting of trees, the blasting of the resulting stumps, and the burning of the residual undergrowth;

(ii) The leveling of land so as to permit irrigation or planting;

(iii) The removal of salt or other minerals which might inhibit cultivation of the soil;

(iv) The draining and filling in of a swamp or marsh; and

(v) The diversion of a stream from one watercourse to another.

(b) *Expenditures not allowed as a deduction under section 182.* (1) Section 182 applies only to expenditures for nondepreciable items. Accordingly, a taxpayer may not deduct expenditures for the purchase, construction, installation, or improvement of structures, appliances, or facilities which are of a character which is subject to the allowance for depreciation under section 167 and the regulations thereunder. Expenditures in respect of such depreciable property include those for materials, supplies, wages, fuel, freight, and the moving of earth, paid or incurred with respect to tanks, reservoirs, pipes, conduits, canals, dams, wells, or pumps constructed of masonry, concrete, tile, metal, wood, or other nonearthen material.

(2) Expenditures which are deductible without regard to section 182 are not deductible under section 182. Thus, such expenditures are deductible without being subject to the limitations imposed by section 182(b) and § 1.182-5. For example, section 182 does not apply to the ordinary and necessary expenses incurred in the business of farming which are deductible under section 162 even though they might otherwise be considered to be clearing of land expenditures. Section 182 also does not apply to interest (deductible under section 163) nor to taxes (deductible under section 164). Similarly, section 182 does not apply to any expenditures (whether or not currently deductible) paid or incurred for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, within the meaning of section 175 and the regulations thereunder, nor to expenditures deductible under section 180 and the regulations thereunder, relating to expenditures for fertilizer, etc.

(c) *Depreciation.* In addition to expenditures for the activities described in paragraph (a) of this section, there also shall be treated as an expenditure to which section 182 applies a reasonable allowance for depreciation not otherwise deductible on property of the taxpayer which is used in the clearing of land for the purpose of making such land suitable for use in farming, provided the property is property which, if used in a trade or business, would be subject to the allowance for depreciation under section 167. Depreciation allowable as a deduction under section 182 is limited to the portion of depreciation which is attributable to the use of the property in the clearing of land. The depreciation shall be computed in accordance with section 167 and the regulations thereunder. To the extent an amount representing a reasonable allowance for depreciation with respect to property used in clearing land is treated as an expenditure to which section 182 applies, such depreciation shall, for purposes of chapter 1 of the Code, be treated as an amount allowed under section 167 for depreciation. Thus, if a deduction is allowed for depreciation under section 182 in respect of property used in clearing land, proper adjustment to the basis of the property so used shall be made under section 1016(a).

§ 1.182-4 Definition of "land suitable for use in farming", etc.

For purposes of section 182, the term "land suitable for use in farming" means land which, as a result of the land clearing activities described in paragraph (a) of § 1.182-3, could be used by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products, including fish, or for the sustenance of livestock. The term "livestock" includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. Land used for the sustenance of livestock includes land used for grazing such livestock. Expenditures are considered to be for the purpose of making land suitable for use in farming by the taxpayer or his tenant only if made to prepare the land which is cleared for use by the taxpayer or his tenant in farming. Thus, if the taxpayer pays or incurs expenditures to clear land for the purpose of sale (whether or not for use in farming by the purchaser) or to be held by the taxpayer or his tenant other than for use in farming, section 182 does not apply to such expenditures. Whether the land is cleared for the purpose of making it suitable for use in farming by the taxpayer or his tenant, is a question of fact which must be resolved on the basis of all the relevant facts and circumstances. For purposes of section 182, it is not necessary that the land cleared actually be used in farming following the clearing activities. However, the fact that following the clearing operation, the land is used by the taxpayer or his tenant in the business of farming will, in most cases, constitute evidence that the purpose of the clearing was to make land suitable for use in farming by the taxpayer or his tenant. On the other hand, if the land cleared is sold or converted to nonfarming use soon after the taxpayer has completed his clearing activities, there will be a presumption that the expenditures were not made for the purpose of making the land suitable for use in farming by the taxpayer or his tenant. Other factors which will be considered in determining the taxpayer's purpose for clearing the land are, for example, the acreage, location, and character of the land cleared, the nature of the taxpayer's farming operation, and the use to which adjoining or nearby land is put.

§ 1.182-5 Limitation.

(a) *Limitation*—(1) *General rule.* The amount of land clearing expenditures which the taxpayer may deduct under section 182 in any one taxable year is limited to the lesser of $5,000 or 25 percent of his "taxable income derived from farming". Expenditures in excess of the applicable limitation are to be charged to the capital account and constitute additions to the taxpayer's basis in the land.

(2) *Definition of "taxable income derived from farming".* For purposes of section 182, the term "taxable income derived from farming" means the gross income derived from the business of farming reduced by the deductions attributable to such gross income. Gross income derived from the business of farming is the gross income of the taxpayer derived from the production of crops, fruits, or other agricultural products, including fish, or from livestock (including livestock held for draft, breeding or dairy purposes). It does not include gains from sales of assets such as farm machinery or gains from the disposition of land. The deductions attributable to the business of farming are all the deductions allowed by chapter 1 of the Code (other than the deduction allowed by section 182) for expenditures or charges (including depreciation and amortization) paid or incurred in connection with the production or raising of crops, fruits, or other agricultural products, including fish, or livestock. However, the deduction under section 1202 (relating to the capital gains deduction) attributable to gain on the sale or other disposition of assets (other than draft, breeding, or dairy stock), and the net operating loss deduction (computed under section 172) shall not be taken into account in computing "taxable income derived from farming." Similarly, deductible losses on the sale, disposition, destruction, condemnation, or abandonment of assets (other than draft, breeding, or dairy stock) shall not be considered as deductions attributable to the business of farming. A taxpayer shall compute his gross income from farming in accordance with his accounting method used in determining gross income. (See the regulations under section 61 relating to accounting methods used by farmers in determining gross income.)

(b) *Examples.* The provisions of paragraph (a) of this section may be illustrated by the following examples:

Example 1. For the taxable year 1963, A, who uses the cash receipts and disbursements method of accounting, incurs expenditures to which section 182 applies in the amount of $2,000 and makes the election under section 182. A has the following items of income and deductions (without regard to section 182 expenditures).

Income:		
Proceeds from sale of his 1963 yield of corn	$10,000	
Proceeds from sales of milk	8,000	
Gain from disposition of old breeding cows	500	
Gain from sale of tractor	100	
Gain from sale of farmland	5,000	
Interest on loan to brother	100	
	23,700	
Deductions:		
Cost of labor	4,000	
Cost of feed	3,000	
Depreciation on farm equipment and buildings	2,500	
Cost of maintenance, fuel, etc	2,000	
Interest paid, mortgage on farm buildings	1,000	
Interest paid, personal loan	500	
Loss on destruction of barn	2,000	
Loss on sale of truck	300	
Section 1202 deduction—gain on sale of cows (500 × ½)	250	
Section 1202 deduction—net gain on disposition of section 1231 property, other than cows [$2,800 ($5,100—$2,300) × ½]	1,400	$16,950
Net income before section 182 deduction		$6,750

For purposes of computing taxable income derived from farming under section 182, the following items of income and deductions are not taken into account:

Income:		
Gain from the sale of tractor	$100	
Gain from the sale of farmland	5,000	
Interest on loan to brother	100	
		$5,200
Deductions:		
Interest paid, personal loan	500	
Loss on destruction of barn	2,000	
Loss on sale of truck	300	
Section 1202 deduction—Net gain from disposition of 1231 assets other than cows	1,400	
		4,200

A's "taxable income derived from farming" for purposes of section 182 is $5,750; income of $18,500 ($23,700—$5,200), less deductions of $12,750 ($16,950—$4,200). A may deduct $1,437.50 (25% of $5,750) under section 182. The excess expenditures in the amount of $562.50 are to be charged to capital account and serve to increase the taxpayer's basis of the land.

Example 2. Assume the same facts as in example (1) and in addition, assume that A is allowed a deduction for a net operating loss carryback from the taxable year 1966 in the amount of $3,000. The net operating loss deduction will not be taken into account in computing A's "taxable income derived from farming" for 1963. Accordingly, A will not be required to recompute such taxable income for purposes of applying the limitation on the deduction provided in section 182 and the deduction of $1,437.50 will not be reduced.

§ 1.182–6 Election to deduct land clearing expenditures.

(a) *Manner of making election.* The election to deduct expenditures for land clearing provided by section 182(a) shall be made by means of a statement attached to the taxpayer's income tax return for the taxable year for which such election is to apply. The statement shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the time prescribed by law for filing the income tax return (including extensions thereof) for the taxable year for which the election is to apply. The statement shall also set forth the amount and description of the expenditures for land clearing claimed as a deduction under section 182, and shall include a computation of "taxable income derived from farming", if the amount of such income is not the same as the net income from farming shown on Schedule F of Form 1040, increased by the amount of the deduction claimed under section 182.

(b) *Scope of election.* An election under section 182(a) shall apply only to the taxable year for which made. However, once made, an election applies to all expenditures described in § 1.182–3 paid or incurred during the taxable year, and is binding for such taxable year unless the district director consents to a revocation of such election. Requests for consent to revoke an election under section 182 shall be made by means of a letter to the district director for the district in which the taxpayer is required to file his return, setting forth the taxpayer's name, address and identification number, the year for which it is desired to revoke the election, and the reasons therefor. However, consent will not be granted where the only reason therefor is a change in tax consequences.

PAR. 2. Section 1.263(a) is amended by revising paragraph (1) of section 263(a) and by revising the historical note. These amended provisions read as follows:

§ 1.263(a) Statutory provisions; capital expenditures; general rule.

SEC. 263. *Capital expenditures*—(a) *General rule.* No deduction shall be allowed for—

(1) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This paragraph shall not apply to—

(A) Expenditures for the development of mines or deposits deductible under section 616,

(B) Research and experimental expenditures deductible under section 174,

(C) Soil and water conservation expenditures deductible under section 175,

(D) Expenditures by farmers for fertilizer, etc., deductible under section 180, or

(E) Expenditures by farmers for clearing land deductible under section 182.

* * * * *

[Sec. 263 as amended by sec. 6, Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 1001); sec. 21(b), Rev. Act 1962 (76 Stat. 1064)]

PAR. 3. Paragraph (c) of § 1.263(a)–1 is amended to read as follows:

§ 1.263(a)–1 Capital expenditures; in general.

* * * * *

(c) The provisions of paragraph (a) (1) of this section shall not apply to expenditures deductible under—

(1) Section 616 and §§ 1.616–1 through 1.616–3, relating to the development of mines or deposits,

(2) Section 174 and §§ 1.174–1 through 1.174–4, relating to research and experimentation,

(3) Section 175 and §§ 1.175–1 through 1.175–6, relating to soil and water conservation,

(4) Section 180 and §§ 1.180–1 and 1.180–2, relating to expenditures by farmers for fertilizer, lime, etc., and

(5) Section 182 and §§ 1.182–1 through 1.182–6, relating to expenditures by farmers for clearing land.

PAR. 4. Paragraph (b) of § 1.263(a)–3 is amended to read as follows:

§ 1.263(a)–3 Election to deduct or capitalize certain expenditures.

* * * * *

(b) The sections referred to in paragraph (a) of this section include:

(1) Section 173 (circulation expenditures).

(2) Section 174 (research and experimental expenditures).

(3) Section 175 (soil and water conservation expenditures).

(4) Section 177 (trademark and trade name expenditures).

(5) Section 180 (expenditures by farmers for fertilizer, lime, etc.).

(6) Section 182 (expenditures by farmers for clearing land).

(7) Section 248 (organizational expenditures of a corporation).

(8) Section 266 (carrying charges).

(9) Section 615 (exploration expenditures).

(10) Section 616 (development expenditures).

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

[F.R. Doc. 65–745; Filed, Jan. 25, 1965; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS REVISIONS TO SUBCHAPTER

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

PART 1001—GENERAL PROVISIONS

Subpart B—Definition of Terms

1. The heading of § 1001.201–58 is amended to read as follows:

§ 1001.201–58 AFLC field procurement activities.

* * * * *

2. Section 1001.201–64 is amended by adding the words "of major subsystems" after "subsystems." As so amended, this section reads as follows:

§ 1001.201–64 Breakout.

The process whereby parts, components, and subsystems of major subsystems and/or systems are isolated and listed for consideration of the method of procurement to be used for their acquisition. As a result of the breakout process, the items listed may then be acquired direct from the actual manufacturer or from industry on a competitive basis, where such method of procurement is

technically and economically feasible and does not result in degradation of the items listed.

Subpart C—General Policies

Section 1001.352 is amended by changing "AMCR" to "AFLCR." As so amended § 1001.352 reads as follows:

§ 1001.352 Individuals authorized to initiate purchase requests.

(Not applicable to base procurement activities supporting oversea bases according to AFLCR 23-6, e.g., USAF logistic control groups and SMAMA.) A list of all individuals authorized to initiate Purchase Requests will be obtained and maintained by each base procurement office.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contracts

§ 1002.403 [Amended]

In § 1002.403(b), subparagraph (9), is amended to delete subdivision (iii) thereof.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart B—Circumstances Permitting Negotiation

1. In § 1003.207-2 a reference has been added at the end of paragraph (a). As amended, § 1003.207-2(a) reads as follows:

§ 1003.207-2 Application.

(a) In addition to meeting the two requirements in § 3.207-2 of this title, the proposed procurement must concern supplies which are authorized for base procurement, or central procurement type items for which specific base procurement authority has been obtained according to § 5.1103-6 of this title.

* * * * *

§ 1003.208-3 [Revoked]

2. Section 1003.208-3 is revoked.

Subpart H—Price Negotiation Policies and Techniques

1. In §§ 1003.809(c)(1) and 1003.850-2(c)(3), the amount of "$350,000" is changed and additional material is added. As amended §§ 1003.809(c)(1) and 1003.850-2(c)(3) read as follows:

§ 1003.809 Audit as a pricing aid.

* * * * *

(c) *Conditions for use.* (1) Audit assistance will be requested (i) Prior to the award of a contract to a sole source, or definitization of a letter contract awarded to a sole source, where definitive price negotiations in excess of $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) are contemplated, (ii) whenever a cost-reimbursement, incentive, or redeterminable type contract is contemplated and compatibility of contractor's accounting system with the particular contract type is in doubt, or (iii) on any change or group of changes to be covered by a single amendment to a contract for which any individual increase or decrease for any individual change exceeds $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract), if the contracting officer and auditor agree that an audit is necessary. In all other negotiations, the contracting officer (or price analyst reviewing the proposal at the contracting officer's request) will determine the need for requesting audit assistance after evaluation of the entire procurement situation including, but not limited to, the conditions discussed in Subchapter A, Chapter I of this title.

§ 1003.850-2 Pricing changes to fixed-price and cost-reimbursement type contracts.

* * * * *

(c) * * *

(3) Price analyst and auditor will be used in reviewing change proposals as necessary. Every quotation requires some degree of price analysis regardless of dollar value; the degree of price analysis and the need for audit assistance depends upon individual circumstances. When the increase or decrease for any individual change exceeds $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract), the designated representative of the chief CMD/AFPRO and the auditor will hold a pre-analysis review to determine the requirement for audit assistance or approach to the analysis. The complexity of the change, as well as its dollar value, are factors governing the need for price analyst or auditor support. Complexity and dollar value, however, cannot be construed to be the only governing factors since a proposed no-cost change or a seemingly insignificant price adjustment may, in fact, result in a significant price decrease. Adequate review thus requires a knowledge and understanding of a contractor's cost estimating and accounting procedures.

* * * * *

2. In § 1003.850-3 the amount of "$350,000" is changed and additional material is added. The revised portions of § 1003.850-3 read as follows:

* * * * *

§ 1003.850-3 Planning and coordination.

* * * * *

(a) The following planning and coordination procedures are required prior to PCO award of a contract to a sole source, or definitization of a letter contract awarded to a sole source, where definitive price negotiations in excess of $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) are anticipated. In addition, these procedures are applicable in multi-source procurements or where definitive price negotiations not in excess of $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) are contemplated, provided the PCO (or price analyst) has first determined that the services of technical specialists in field contract management activities or audit field officers are required. Such determination will be made after consideration of the conditions set forth in § 3.809(c) of this title and § 1003.809(c), and evaluation of such other factors as types and availability of cost and pricing data required for analysis, complexity of the procurement, contract type contemplated, and extent of price competition, if any, obtained. In situations where a complete analysis is not mandatory and only factual information is required, such information may be obtained by telephone if other means of communication would unduly delay the procurement action. All such telephone requests and responses will be confirmed in writing as soon as possible. Indiscriminate release of pricing information, by any means of communication, is prohibited.

Step 1. This step applies only to sole source negotiations in excess of $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) (but see Step 2(iii)). Procuring activities will distribute two copies of each request for proposal to the CMD/AFPRO. The request for proposal will include instructions that the contractor submit two copies of the proposal to the CMD/AFPRO at the same time it furnishes the original proposal to the procuring activity. Upon receipt, the CMD/AFPRO will distribute one copy of each request for proposal and of each proposal to the responsible field auditor.

Step 2. The PCO (or price analyst) will prepare a single, detailed request for analysis support and send it to the CMD/AFPRO.

(i) In sole source negotiations expected to exceed $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract), inclusion of a request for audit assistance is mandatory, and an information copy of the request will be furnished to the Auditor General representative at the procuring activity.

(ii) In sole source negotiations under $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) and in multi-source negotiations, one copy each of the request for proposal(s) and the proposal to be analyzed will be attached to the request. If audit review is requested, an additional copy of each will be attached, and an information copy of the request will be furnished to the Auditor General representative at the procuring activity.

(iii) If a procuring activity negotiates repeatedly with the same source, agreements may be reached with the concerned CMD/AFPRO as to types of sole source proposals under $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) requiring field analysis, if any, and the extent and areas of analysis required. Where these agreements exist and are applicable, this Step 2 may be omitted by the PCO unless audit review is desired; however, the procedures in Step 1 will be followed.

Step 3. * * *

Step 4. If review of any subcontract cost estimate is necessary during AF field analysis of a prime proposal, efforts will be made by the CMD/AFPRO to obtain the required support information from the prime before requesting assist analyses. However, if assist analyses are necessary, requests for and any followup required will be prepared by the CMD/AFPRO representative and sent to the CMD/AFPRO having cognizance over the subcontractor's facility. If the prime is a sole source and its proposal exceeds $250,000 ($500,000 where it is known that the pro-

curement will be made on a cost-reimbursement type contract), or if a requirement for audit review of a subcontract proposal is included in the request for assist analysis, the request will be coordinated with and an information copy furnished to the audit activity located at or responsible for audit of the prime's facility. Upon receipt of a request for assist analysis that includes a request for audit review, the subcontractor's CMD/AFPRO and the local auditor will follow the procedure outlined in Step 3.

Subpart I—Subcontracting Policies and Procedures

In § 1003.903–54(b)(2) the amount of "$350,000" is changed and additional material is added. As amended, § 1003.903–54(b)(2) reads as follows:

§ 1003.903–54 Use of price analyst personnel.

* * * * *

(b) * * *

(2) A government audit report is mandatory on all subcontract proposals exceeding $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) except when: (i) The subcontract amount is less than that stipulated for requiring consent of the ACO under the contractor's approved purchasing system, (ii) the type of subcontract does not require ACO's consent, (iii) multi-source proposals indicate the presence of effective competition and satisfactory past performance, or (iv) an audit has been performed by the prime contractor and deemed adequate by the government auditor located at the prime contractor's facility. Requests for government audit assistance may be included where the subcontract proposal is less than $250,000 ($500,000 where it is known that the procurement will be made on a cost-reimbursement type contract) if such assistance is considered desirable by the ACO. These procedures are equally applicable to all price revision actions. This, however, does not preclude the Auditor General (or any other cognizant Department of Defense Audit Agency) from performing such audit as he may consider necessary.

* * * * *

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart A—Procurement of Construction

§ 1004.101–53 [Amended]

1. Section 1004.101–53(b) is amended by changing "field contacts" to read "field contracts."

§§ 1004.104, 1004.104–1 [Deleted]

2. Sections 1004.104 and 1004.104–1 are deleted.

3. A new § 1004.101–55 is added as follows:

§ 1004.101–55 General.

The contracting officer will obtain the recommendations of the base civil engineer before awarding any new contract or exercising an option for additional work or additional period of service to determine whether the contractor has the technical capability or whether his past performance has been satisfactory. The final selection of a contractor or the decision whether an option will be exercised will be made by the contracting officer.

PART 1007—CONTRACT CLAUSES

Subparts AA and BB are deleted and reserved.

Subpart NN—Special Clauses

§§ 1007.4029, 1007.4041, 1007.4044 [Deleted]

1. Sections 1007.4029, 1007.4041 and 1007.4044 are deleted.

2. In § 1007.4048(a):

a. The date of the clause heading is amended.

b. In paragraph (b) of the clause, a new Air Force Manual number 160–39 is added.

c. In paragraph (d) of the clause, "Fround's" is amended and "AFB No. 14" is amended.

As amended § 1007.4048(a) reads as follows:

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * *

(b) The Contractor shall comply with the intent of applicable portions of AF Technical Orders 11C–1–6, 42B1–1–6, 00–110N–3; AF Manuals 160–39, 127–100, 71–4, 75–2; AF Regulation 86–6; and Manufacturing Chemists' Association, Inc., Manual L–1, entitled "Warning Labels," in addition to applicable local, state and federal ordinances, laws, and codes, including latest changes, revisions and/or supplements thereto, in effect on the date of this contract, in the development, testing, storage, manufacture, packaging, transportation, handling, disposal, or use of dangerous materials, which may affect the performance of this contract, whether such performance is on premises controlled by the Government or otherwise. The Contractor shall comply with the requirement for shippers certificate in accordance with AFM 71–4 if shipment of dangerous materials is to be made by military air or to an aerial port of embarkation. The Contractor shall also comply with any additional safety measures required by the Contracting Officer with regard to such dangerous materials; provided, that if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause hereof entitled "Changes."

* * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL–STD's 129C, to the extent called out by MIL–L–9931, 130A to the extent called out by MIL–L–9931, 444 and 709; MIL–A–9836, MIL–L–9835 and 9931; AF T.O. 11A–1–47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

* * * * *

PART 1008—TERMINATION OF CONTRACTS

Subpart B—General Principles Applicable to the Settlement of Fixed-Price Type Contracts Terminated for Convenience and to the Settlement of All Terminated Cost-Reimbursement Type Contracts

Present § 1008.202–53 is deleted and the following is substituted therefor:

§ 1008.202–53 Termination of orders issued under basic ordering agreements.

(a) Termination Requests for termination of an order, a number of orders, or portions of an order issued under a Basic Ordering Agreement, will be initiated on an AFPI Form 49 and will contain the information required by § 1008.-202–50. The Notice of Termination for convenience of such orders or portions of orders will be issued by the procuring activity which issued the order.

(b) Since quantities and delivery schedules are established by each order placed against a Basic Ordering Agreement, and since each order is separately funded, each order is considered to be a separate contract. If an order is terminated, a Termination Amendment Number will be assigned to each order terminated in lieu of the assignment of a Termination Supplemental Agreement Number to the Basic Ordering Agreement. Orders issued and later terminated by the same procuring activity will be consolidated, amended, or reinstated to the extent possible according to the provisions of § 1008.202–50 (h) and (i). (For definition of a Basic Ordering Agreement and orders issued thereunder see § 3.410–2 of this title and § 1003.410–2 of this subchapter.)

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

In § 1053.404–6(b), subparagraphs (11) and (17) are revised; subparagraph (15) is deleted and reserved; and a new paragraph (d) is added. As amended § 1053.404–6 reads as follows:

§ 1053.404–6 Geographical areas of CMRs, CMDs, and AFPROs.

* * * * *

(b) *CMDs.* * * *

(11) *Newark CMD (ECMR).* Richmond County in New York State, and Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, Warren Counties in the state of New Jersey.

* * * * *

(15) [Deleted; reserved]

* * * * *

(17) *Rochester CMD (ECMR).* Erie, Mercer, and Crawford Counties in Pennsylvania, and that portion of New York State north and west of, but not including Ulster, Orange, Green, and Columbia Counties.

* * * * *

(d) *DSA*—(1) *DCASR Philadelphia (DSA)*. The states of Delaware, Maryland, Virginia, West Virginia, the District of Columbia, the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem in the State of New Jersey, and the State of Pennsylvania excluding Erie, Mercer, and Crawford Counties.

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart F—Special Procurements

In § 1059.602(b) (1) the word "per" is amended, and in subparagraph (2) the last reference is amended. As amended, § 1059.602(b) (1) and (2) read as follows:

§ 1059.602 Procurement of training equipment.

* * * * *

(b) * * *

(1) Training equipment common to more than one system and Flight Simulators will normally be procured as Category II as defined in AFR 70-9 (System Procurement).

(2) The appropriate category of procurement, as defined in AFR 70-9, for those training equipments peculiar to a specific system, will be determined after receipt of contractor's training equipment planning information or applicable performance specification. Such training equipment will not be purchased as Category I except as provided for in subparagraph (3) of this paragraph.

* * * * *

(Sec. 8012, 70A Stat. 488; secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012; 10 U.S.C. 2301-2314) [AFPI Rev. No. 47, Oct. 27, 1964; AFPC Nos. 43, Nov. 17, 1964; 45, Dec. 1, 1964; 46, Dec. 1, 1964; 48, Dec. 14, 1964]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 65-738; Filed, Jan. 25, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Bear Creek, Md.; Puyallup River, Wash.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (f) by prescribing a new subparagraph (5-a) to govern the operation of the Baltimore County bridge across Bear Creek at Wise Avenue, Baltimore County, Md., effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(5-a) Bear Creek, Md.; the Baltimore County highway bridge at Wise Avenue. Between the hours of 6:00 p.m. and 8:00 a.m., inclusive, from May 1, to October 31, inclusive, and during all hours from November 1, to April 30, inclusive, at least 4 hours' advance notice required.

* * * * *

[Regs., Jan. 7, 1965, 1507-32 (Bear Creek, Md.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.810 is hereby amended with respect to paragraph (f), amending subparagraph (1) to permit the State of Washington Department of Highways bridge across Puyallup River at Tacoma, Wash., to remain in a closed position effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

* * * * *

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

(1) Puyallup Waterway and River, Tacoma Harbor; State of Washington Department of Highways bridge at East Eleventh Street need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge: *Provided,* That the bridge shall be returned to an operable condition within six months after notification by the Department of the Army to take such action. At least 4 hours' advance notice will be required for opening the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. bridge near East Eleventh Street.

* * * * *

[Regs., Jan. 7, 1965, 1507-32 (Puyallup River, Wash.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 65-751; Filed, Jan. 25, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

Railroad Annual Report Form C

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of January A.D. 1965:

The matter of annual reports of line-haul and switching and terminal railroad companies of Class II being under further consideration, and the changes to be made by this order being minor changes in the data to be furnished, rule-making procedures under section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, being deemed unnecessary:

It is ordered, That § 120.12 of the order of February 18, 1964 in the matter of Railroad Annual Report Form C, be, and it is hereby, modified and amended, with respect to annual reports for the year ended December 31, 1964, and subsequent years, to read as shown below.

It is further ordered, That 49 CFR 120.12, be, and it is hereby, modified and amended to read as follows:

§ 120.12 Form prescribed for Class II railroads.

Commencing with reports for the year ended December 31, 1964, and thereafter, until further order, all line-haul and switching and terminal railroad companies of Class II, as described in § 126.1 of this chapter, viz., all carriers with average annual operating revenues of less than $3,000,000, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C, which is attached to and made a part of this section.[1] Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D.C., 20423, on or before March 31 of the year following the year to which it relates.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of Class II, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad company, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-747; Filed, Jan. 25, 1965; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 170—COMMERICAL ZONES

[No. MC-C-1 (Sub-No. 1)]

St. Louis, Mo.-East St. Louis, Ill., Commercial Zone

At a session of the Interstate Commerce Commission, Operating Rights Re-

[1] Form filed as part of original document.

view Board Number 2, held at its office in Washington, D. C., on the 30th day of December A.D. 1964:

It appearing, that on May 21, 1958, the Commission, division 1, made and filed its second report on further consideration in this proceeding, 76 M.C.C. 418, and order redefining the limits of the zone adjacent to and commercially a part of St. Louis, Mo.-East St. Louis, Ill., contemplated by section 203(b) (8) of the Interstate Commerce Act (49 U.S.C. 303(b) (8));

It further appearing, that by joint petition filed May 21, 1964, as amended, Carps, Inc., Linclay Corporation, Automatic Devices, Incorporated, Watlow Electric Manufacturing Co., Inc., and St. Louis Home Insulators, Inc., seek reopening and modification so as to include an additional area within the limits of the commercial zone of St. Louis, Mo.-East St. Louis, Ill.; and good cause appearing therefor:

It is ordered, That said proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That the petition for oral hearing, be, and it is hereby, denied.

It is further ordered, That § 170.3 as prescribed in the order entered in this proceeding on May 21, 1958 (49 CFR 170.3) be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 170.3 St. Louis, Mo.-East St. Louis, Ill.

(a) The zone adjacent to and commercially a part of St. Louis, Mo.-East St. Louis, Ill., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b) (8) of the Interstate Commerce Act (49 U.S.C. 303(b) (8)), includes and is comprised of all points as follows: (1) All points within the corporate limits of St. Louis, Mo.; (2) all points in St. Louis County, Mo., within a line drawn 0.5 mile south, west, and north of the following line, but not including any point north of the Meramec River and west of Kirkwood, Mo., west of the right-of-way of proposed Circumferential Expressway (Interstate Highway 244), north of a line formed by Dorsett Road and the right-of-way of the Chicago, Rock Island and Pacific Railroad, south of Lackland Avenue, or points beyond the established corporate boundaries of Kirkwood, Huntleigh, and St. Ferdinand, Mo.: Beginning at the Jefferson Barracks Bridge across the Mississippi River and extending westerly along Missouri Highway 77 to its junction with U.S. Highway 61 Bypass, thence along U.S. Highway 61 Bypass to its junction with U.S. Highway 66, thence westerly along U.S. Highway 66, to its junction with Bowles Avenue, thence northerly along Bowles Avenue actual or projected to the Meramec River, thence easterly along the south bank of the Meramec River to a point directly south of the western boundary of Kirkwood, thence across the Meramec River to and along the western and northern boundaries of Kirkwood to the western boundary of Huntleigh, Mo., thence along the western and northern boundaries of Huntleigh to junction U.S. Highway 66, thence in a northerly direction along U.S. Highway 66 (Lindbergh Boulevard) to its junction with Lackland Avenue, thence in a westerly direction along Lackland Avenue to its junction with the right-of-way of proposed Circumferential Expressway (Interstate Highway 244), thence in a northerly direction along said right-of-way to its junction with the right-of-way of Chicago, Rock Island and Pacific Railroad, thence in an easterly direction along said right-of-way to its junction with Dorsett Road, thence in an easterly direction along Dorsett Road to its junction with U.S. Highway 66, thence in a northerly direction along U.S. Highway 66 to its junction with Natural Bridge Road, thence in an easterly direction along U.S. Highway 66 to the western boundary of St. Ferdinand (Florissant), Mo., thence along the western, northern, and eastern boundaries of St. Ferdinand to junction U.S. Highway 66 and thence along U.S. Highway 66 (Taylor Road) to the corporate limits of St. Louis (near Chain of Rocks Bridge); and (3) all points within the corporate limits of East St. Louis, Belleville, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill., and that part of the Village of Cahokia, Ill., bounded by Illinois Highway 3 on the east, First Avenue and Red House (Cargill) Road on the south and southwest, the east line of the right-of-way of the Alton and Southern Railroad on the west, and the corporate limits of Monsanto, Ill., on the northwest and north.

(b) The exemption provided by section 203(b) (8) of the Interstate Commerce Act in respect of transportation by motor vehicle, in interstate or foreign commerce, between Belleville, Ill., on the one hand, and, on the other, any other point in the commercial zone, the limits of which are defined in (a) above, is hereby removed, and the said transportation is hereby subjected to all the applicable provisions of the Interstate Commerce Act.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall become effective on February 26, 1965, and shall continue in effect until the further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Operating Rights Review Board Number 2.

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

[F.R. Doc. 65-748; Filed, Jan. 25, 1965; 8:47 a.m.]

Proposed Rule Making

GENERAL SERVICES ADMINISTRATION

[41 CFR Ch. 101]

STANDARD FOR PASSENGER SAFETY DEVICES FOR AUTOMOTIVE VEHICLES PURCHASED BY THE FEDERAL GOVERNMENT FOR USE BY THE FEDERAL GOVERNMENT

Notice of Proposed Federal Standard 515

Notice is hereby given that the Federal standard set forth below in tentative form is proposed to be prescribed and published by the Administrator of General Services. The proposed standard is to be issued pursuant to Public Law 88–515, approved August 30, 1964 (78 Stat. 696), and the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

This proposed Federal standard has been developed through consultation with the automotive industry, technical societies, trade associations, the medical profession, and Government agencies. The Commissioner, Federal Supply Service, welcomes any written comments and suggestions pertaining to it. Such comments and suggestions should be submitted, in duplicate, to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C., 20405, within the period of 30 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[Federal Standard No. 515]

STANDARD SAFETY DEVICES FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes general requirements for the safety devices for automotive vehicles purchased by the Federal Government for use by the Federal Government to achieve the highest practical degree of uniformity and standardization. Specific requirements for a particular safety device are covered by the applicable detailed standard (see S4.).

S2. *Application and definitions.*

S2.1 *Application.* Automotive vehicles as specified in Interim Federal Standards, Interim Federal Specifications, Military Standards, and Military Specifications shall be equipped with the safety devices specified herein.

S2.2 *Definitions.*

S2.2.1 *Automotive vehicle.* The term "automotive vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways, except any vehicle designed or used for military field training, combat or tactical purposes. This definition includes sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds gross vehicle weight.

S2.2.2 *Federal Government.* The term Federal Government includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

S3. *Standard safety devices.* Standard safety devices shall be as specified in the detailed standards (see S4.).

S4. *Detailed standards.* Detailed standards for safety devices, as applicable to vehicle types as specified in table I, are a part of this standard.

TABLE I—DETAILED STANDARDS

Federal standard No.	Description	Sedan	Bus	Carryall	Station wagon	Light trucks up to 10,000 pounds G.V.W.
515/1	Anchorages; seat belt assemblies	X	X	X	X	X
515/2	Padded dash and visors	X	N/A	X	X	X
515/3	Recessed dash instruments and control devices	X	N/A	X	X	X
515/4	Impact absorbing steering wheel and column displacement	X	N/A	N/A	X	N/A
515/5	Safety door latches and hinges	X	N/A	X	X	X
515/6	Anchorage of seats	X	X	X	X	X
515/7	Four way flasher	X	X	X	X	X
515/8	Safety glass	X	X	X	X	X
515/9	Dual operation of braking system	X	X	X	X	X
515/10	Standard bumper heights	X	N/A	N/A	X	N/A
515/11	Standard gear quadrant P R N D L automatic transmission	X	N/A	X	X	X
515/12	Sweep design of windshield wipers—washers	X	X	X	X	X
515/13	Glare reduction surfaces	X	X	X	X	X
515/14	Exhaust emission control system	X	N/A	X	X	X
515/15	Tire and safety rim	X	X	X	X	X
515/16	Back-up lights	X	X	X	X	X
515/17	Outside rear view mirror	X	X	X	X	X

NOTE: 1. X=Applicable.
2. N/A=Not applicable.

[Federal Standard No. 515/1]

ANCHORAGE FOR SEAT BELT ASSEMBLIES FOR AUTOMOTIVE VEHICLES

S. *Purpose and scope.* This standard establishes the specific requirements for anchorages for seat belt assemblies for automotive vehicles. This standard does not cover seat belt assemblies.

S2. *Application.* This standard applies to sedans, buses, station wagons, carryalls, and light trucks up to 10,000 pounds gross vehicle weight.

S2.1 *Anchorages.* This standard will provide a uniform procedure for designating the performance and testing of anchorages for seat belt assemblies.

S3. *Standard characteristics.*

S3.1 *Definitions.*

S3.1.1 *Anchorage.* A seat belt assembly anchorage shall consist of a threaded hole in a suitable structure to receive the seat belt assembly attachment fittings.

S3.1.2 *Attachment fittings.* Attachment fittings are the parts necessary to attach the seat belt assembly to the structure.

S3.1.3 *Seat belt assembly.* A seat belt assembly is any strap, webbing, or similar device designed to secure a person in an automotive vehicle in order to mitigate the results of any accident, including all buckles or other fasteners, and all hardware designed for installing the assembly in an automotive vehicle. Lap type seat belt assemblies shall conform to Federal Specification JJ–B–185. Combination type shoulder and lap belts shall conform to Society of Automotive Engineers, Inc., Standard for Motor Vehicle Seat Belt Assemblies, SAE–J4.

S3.2 *Anchorages.* The SAE Recommended Practice for Motor Vehicle Seat Belt Anchorage, SAE J787 forms a basis, in part, for this Federal standard.

S3.2.1 *General.* Anchorages shall be provided for seat belt assemblies for each occupant for which a seat is designed. Each anchorage shall be provided with a threaded hole to receive the seat belt assembly attachment fittings. The threads shall be 7/16–20 UNF–2B in accordance with the applicable requirements of the National Bureau of Standards Handbook H28. The location of the anchorages shall be determined with the seat in its rearmost limit of travel.

S3.2.2 *Anchorages for combination shoulder and lap belts (front seat only).* Automotive vehicles covered by this standard shall be provided with anchorages for combination shoulder and lap belts for the front seat only. Three anchorages shall be provided for each combination shoulder and lap belt. Two anchorages for the lap portion of the belt and one anchorage for the shoulder portion of the belt. One end of the shoulder portion of the belt shall be fastened to the side anchorage. The other end fastened either to the lap portion of the belt or to the existing inboard anchorage for the lap portion of the belt.

S3.2.2.1 *Anchorages for the lap portion of the belt.* Anchorages for the lap portion of the belt shall be provided for single occupant front seats and for at least two occupants for multioccupant front seats. In the event that multioccupant front seats are utilized for three occupants, then anchorages shall be provided for three occupants. A common anchorage may be provided for one end of a center lap type belt and the inboard end of an outboard end of the lap portion of the combination belt and the inboard end of a shoulder strap. The outboard anchorages for multioccupant seats or both anchorages for a single occupant seat may be located to permit the lap portion of the belt to pass around the outside of the seat.

S3.2.2.1.1 *Location.* The location of anchorages for the lap portion of the belts shall be such that a line from the anchorage to the passengers' "hip" point will make an angle from the horizontal as near as practical to 45 degrees, as shown in figures 1, 2 and 3. The hip point is the point on the manikin defined as the "H" point in SAE Standard, "Manikins for Use In Defining Vehicle Seat-

ing Accommodations, SAE J826." The location of the hip point shall be determined by following the procedure in SAE J826. Anchorages for belts that will be installed over the seat bottom frame rear bar shall be rearward of a vertical line through the point where the belt will enter the seat, as shown in figure 4. All anchorages shall be spaced laterally so that the lap portion of the belt essentially forms a U-shaped loop when in use. The same anchorage shall not be used for both ends of one lap portion of the belt.

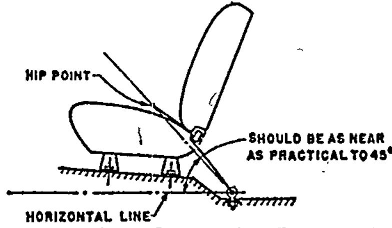

FIG. 1. Belt outside seat or through seat springs.

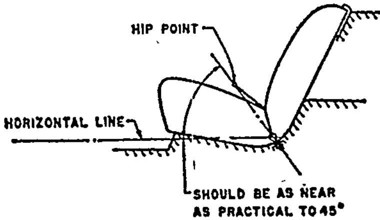

FIG. 2. Rear seat belt installation.

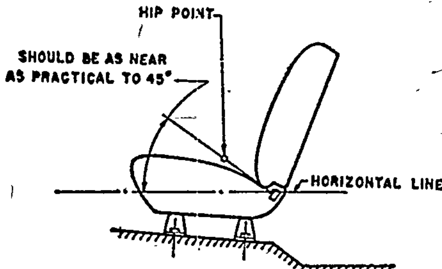

FIG. 3. Belt attached to seat frame.

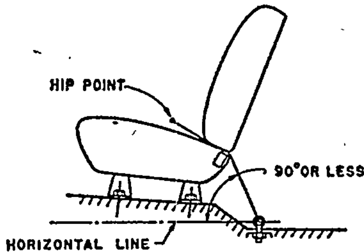

FIG. 4. Belt over seat cross bar.

S3.2.2.2. *Side anchorage.* A side anchorage for the shoulder portion of the belt shall be provided for single occupant seats and for at least two occupants for multioccupant seats. The side anchorage shall be located in the area behind the center of the seat back not less than 20 inches above the "hip" point. Where there is no suitable structure for the side anchorage, the side anchorage may be positioned behind the center of the seat back and less than 20 inches above the "hip" point, but the shoulder portion of the belt shall not be at an angle more than 40 degrees from the horizontal. In all cases the side anchorage shall be located within the area shown in figure 5.

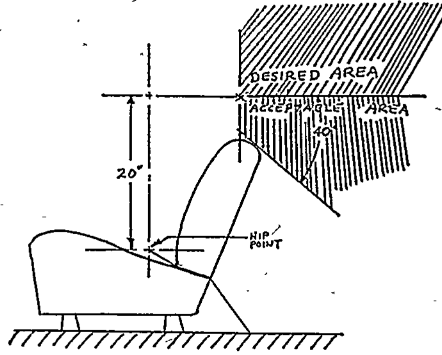

FIG. 5. Side anchorage.

S3.2.3 *Anchorages for lap belts (intermediate and rear seats).* Automotive vehicles covered by this standard shall be provided with anchorages for lap belts for intermediate and rear seats. A common anchorage may be provided for one end of a center belt and the inboard end of an outboard belt, or for the inboard ends of two outboard belts. The outboard anchorages for multioccupant seat or both anchorages for a single occupant seat may be located to permit the belt to pass around the outside of the seat. The location of anchorages for lap belts shall conform to S3.2.2.1.1.

S3.2.4 *Strength.* The vehicle structure shall sustain the simultaneous pull on each set of seat belt assemblies for each passenger for which the seat is designed. Permanent deformation of any anchorage or surrounding area is acceptable provided there is no rupture or breakage and the anchorage does not pull loose.

S3.2.4.1 *Anchorages for combination shoulder and lap belts.* Anchorages for the lap portion of combination shoulder and lap belts shall sustain a pull of 2,500 pounds for each anchorage. Anchorages for the shoulder portion shall sustain a pull of 1,500 pounds for each anchorage. Existing inboard anchorages for the inboard end of a lap portion of a combination belt and the inboard end of a shoulder strap shall sustain a pull of 4,000 pounds for each anchorage. Common anchorages for one end of a center belt and the inboard end of the lap portion of a combination belt and the inboard end of a shoulder strap shall sustain a pull of 6,500 pounds for each anchorage.

S3.2.4.2 *Anchorages for lap belts.* Anchorages for lap belts shall sustain a pull of 2,500 pounds for each anchorage. Common inboard anchorages shall sustain a pull of 5,000 pounds for each anchorage.

S3.2.4.3 *Seat belt assemblies attached to the seat frame.* The seat structure, the seat adjusters, if applicable, and the attachments, shall sustain the load specified in S3.2.4.1 and S3.2.4.2, as applicable, for each seat belt end attached to the seat plus the seat inertia force. The seat inertia force shall be 20 times the seat weight. Floor and seat deformation is acceptable provided there is no structural failure or release of the seat adjuster mechanism.

S3.2.5 *Test procedure.* The strength test shall be conducted with the connection from the body block to the anchorages made in the manner in which the belts are installed. The load shall be applied to the body block at an angle of 10 degrees plus or minus 5 degrees from the horizontal. The doors of the vehicle may be closed during the test.

S3.2.5.1 *Test for combination shoulder and lap belt anchorages.* The loads specified in S3.2.4.1 shall be applied using a body block set up similar to that shown in figure 6. The strength test shall be conducted with the seat in place in the vehicle.

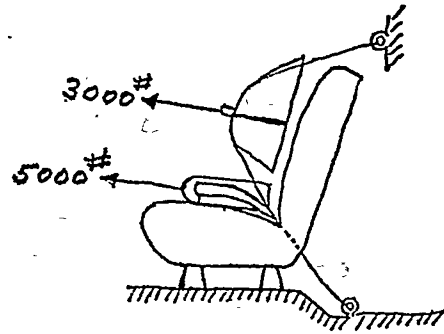

FIG. 6. Body block set up for combination shoulder and lap belt anchorages.

S3.2.5.2 *Test for lap belt anchorages.* The load specified in S3.2.4.2 shall be applied using a body block similar to that shown in figure 7. The strength test shall be conducted either with the seat in place in the the vehicle or with the seat installed on an applicable vehicle floor pan.

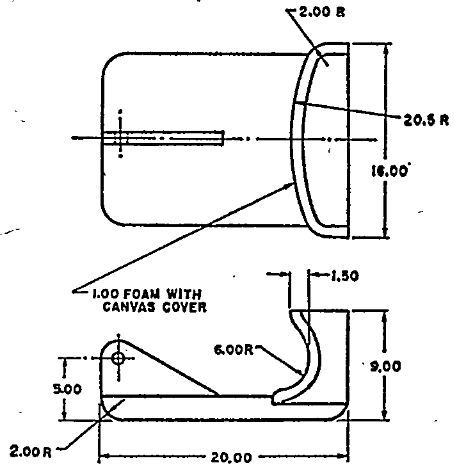

FIG. 7. Body block for lap belt anchorages.

[Federal Standard No. 515/2]

PADDED DASH AND VISORS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes automotive vehicle dash panel and sun visors designed to afford the maximum degree of protection for passengers in the event of a collision. This standard does not apply to vehicles with flat, flush with windshield, nonprotruding instrument panel or the portion of the instrument panel in front of the steering wheel or on vehicles of 101 inch wheel base and under.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, and light trucks up to 10,000 pounds gross vehicle weight.

S3. *Requirements.* The panel shall not contain any sharp protruding edges. The instrument panel shall be covered on the top and upper leading edge with energy absorbing cushioning material to cushion and spread the impact of any part of a passenger's body.

S3.1 The sun visors shall also be constructed of or covered with energy absorbing cushioning material. The sun visor mountings shall be designed and located to produce a minimum of head injury.

[Federal Standard No. 515/3]

RECESSED INSTRUMENT PANEL INSTRUMENTS AND CONTROL DEVICES FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes the location and identification of automotive vehicle instruments and control devices to afford a reasonable degree of protection for front seat occupants wearing seat belts in the event of a collision. Occupant control shall be determined by using SAE mannequin.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, and light trucks up to 10,000 pounds gross vehicle weight (GVW).

S3. *Requirements.* Injury potential shall be minimized by constructing, locating, or mounting control devices and instrument bezels in such a manner as to reasonably minimize contact by the head of belted occupants. Injury potential shall be minimized by the following means:

S3.1 *Location, Construction and Mounting.*

S3.1.1 All instrument panels and control devices shall be located on the driver's side of the centerline of the panel, except instruments and controls not essential to controlling a moving vehicle. Essential controls shall be readily identifiable.

S3.1.2 Control devices and instruments not located in front of the steering wheel and positioned in such a manner to reasonably minimize the likelihood of contact by the head of the driver and/or other belted occupants shall be considered to provide a reasonable degree of protection.

S3.1.3 Control devices not meeting S3.1.2 and likely to be contacted by the head of a belted occupant shall be constructed of materials which will deflect flush with panel surface or be mounted in such a manner as to allow them to be pushed flush with the panel surface or be detached by the application of a force not to exceed 40 pounds.

S3.1.4 Instrument bezels not meeting S3.1.2 and likely to be contacted by the head of a belted occupant shall have an edge radius of not less than 0.125 inch and shall project not more than 0.250 inch above the surface of the panel or shall be shielded as to reasonably minimize contact by the head of a belted occupant.

S3.1.5 The steering column transmission selector lever end shall be substantially blunt with a cross sectional area perpendicular to the lever of not less than 0.5 square inch.

[Federal Standard No. 515/4]

IMPACT ABSORBING STEERING WHEEL AND COLUMN DISPLACEMENT FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for impact absorbing steering wheels and steering columns installed on automotive vehicles.

S2. *Application.* This standard applies to sedans and station wagons.

S3. *Standard characteristics.* The SAE Recommended Practice for Barrier Collision Tests, SAE J850 forms the basis for this standard.

S3.1 The steering wheel assembly shall be so constructed that when it is impacted at a relative velocity of 22 feet per second with a torso-shaped object weighing 75 pounds, the force developed shall not exceed 2,500 pounds.

S3.2 The steering column shall be so designed that when the front structure of the automotive vehicle collapses during the SAE J850 barrier collision test at 30 miles per hour, the upper end of the steering column shall not be displaced rearward more than 8 inches.

[Federal Standard No. 515/5]

SAFETY DOOR LATCHES AND HINGES FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes uniform test procedures and minimum static load requirements for automotive vehicle side door latches and hinges.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, and light trucks up to 10,000 gross vehicle weight, except sliding, folding, or cargo type doors.

S3. *Requirements.* All applicable automotive vehicles purchased by the Federal Government shall be equipped with safety door latches and hinges. The safety door latches and hinges may be of the manufacturer's own design. The hinges shall have ample strength to support the door and to withstand the longitudinal load and transverse load equal to or greater than that specified in S3.1 and S3.2 for the door latch and striker assembly.

S3.1 *Longitudinal load.* Automative vehicle door latch and striker assembly when tested as described under test procedures, shall be able to withstand a minimum longitudinal load of 2,500 pounds when in the fully latched position (see 3.3).

S3.2 *Transverse load.* Automotive vehicle door latch and striker assembly, when tested as described under test procedures, must be able to withstand a minimum transverse load of 1,700 pounds when in the fully latched position and 500 pounds when in the secondary latch position (see 3.3).

S3.3 *Static tests.* Test procedures including test fixtures shall be conducted in accordance with section 4 of SAE Recommended Practice for Passenger Car Side Door Latch Systems, SAE J839.

[Federal Standard No. 515/6]

ANCHORAGE OF SEATS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes the specific requirements for anchorage of automotive vehicle seat assemblies.

S2. *Application.* This standard applies to sedans, buses, station wagons, carryalls, and light trucks up to 10,000 pounds gross vehicle weight.

S3. *Standard characteristics.* The SAE Recommended Practice for Passenger Car Front Seat and Seat Adjuster, SAE J879, forms a basis for that part of this standard which applies to front seats.

S3.1 *Definitions.*

S3.1.1 *Automotive vehicle seat.* A structure provided to seat the driver and/or passengers. Excluded are folding type seats in utility type vehicles.

S3.1.2 *Seat frame.* The structural portion of a seat assembly. The frame may be constructed with springs directly attached or with springs attached as a separate assembly for installation on a seat frame member.

S3.1.3 *Seat back frame upper cross bar.* The uppermost horizontal member of a seat back frame.

S3.1.4 *Seat adjuster.* A device suitably anchored to the vehicle structure which supports the seat frame assembly and provides for seat adjustments. This includes any track, link, or power actuating assemblies necessary to adjust the position of the seat.

S3.2 *Requirements, front seats.*

S3.2.1 *Seat adjusters and seat frame combinations.* Each combination of seat adjuster and seat frame, together with its attachments, shall be constructed and anchored to the vehicle structure which supports it in such a manner as to sustain a horizontal forward and rearward static load at least equal to 20 times the weight of the fully trimmed seat.

S3.2.2 *Seat back frame and cushion combinations.* Each seat back frame and cushion combination, together with its attachments, shall be constructed and anchored to the vehicle structure which supports it in such a manner as to sustain a rearward static moment about the rear attachment of the seat frame to the seat adjusters of at least 4,250 inch pounds for each passenger for which the seat back is designed.

S3.3 *Requirements, rear seats.* Designed to be an integral part of the vehicle structure.

S3.3.1 *Seat frame.* Seat frames which are designed to be an integral part of the vehicle structure shall be constructed and anchored to the vehicle structure in such a manner as to sustain forward and rearward static load at least equal to 20 times the weight of the fully trimmed seat.

S3.4 *Requirements, all other seats.*

S3.4.1 *Seat frame.* Seat frames designed to be fastened to the floor without adjustment in sedans, station wagons, carryalls, and buses shall be constructed and anchored, either permanently or by detachable fittings as specified, in such a manner as to sustain a forward or rearward static load at least equal to 20 times the weight of the fully trimmed seat.

S3.4.2 *Seat cushion and back frame combinations.* Seat cushions and back frame combinations designed to provide intermediate seating in sedans, station wagons, carryalls, and buses shall be constructed and anchored, either parmanently or by detachable fittings as specified, in such a manner as to sustain a rearward static load at least equal to 4,250 inch pounds for each passenger for which the seat is designed.

S3.4.3 *Seat frame designed for seat belt anchorage.* Seat frame, and seat cushion and back frame combinations designed to provide intermediate seating in sedans, station wagons, carryalls, and buses, and further designed to provide anchorages for seat belts, shall be constructed and anchored, either permanently or by detachable fittings as specified, in such a manner as to sustain the static loads set forth in paragraphs S3.4.1 and S3.4.2 and shall be so constructed and anchored, either permanently or by detachable fittings, in such a manner as to sustain an additional forward load at least equal to 5,000 pounds for each passenger for which the seat is designed.

S3.5 *Test procedure.* Testing for front, rear and intermediate seats shall be in accordance with procedures set forth in SAE Recommended Practice SAE J879. In addition, testing for intermediate seats designed for seat belt anchorage shall be in accordance with procedures set forth in SAE Recommended Practice SAE J787.

[Federal Standard No. 515/7]

FOUR WAY FLASHER FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes a driver controlled automotive vehicle hazard warning signal light system which will cause all turn signal lamps to flash simultaneously to indicate to the approaching drivers the presence of a vehicular hazard.

S2. *Application.* This standard applies to sedans, buses, station wagons, carryalls, and trucks up to 10,000 pounds gross vehicle weight (G.V.W.).

S3. *Requirements.* The following sections from SAE Standard, Tests for Motor Vehicle Lighting Devices and Components—SAE J575, are a part of this standard:

Section B—Samples for Test.
Section C—Lamp Bulbs.
Section D—Laboratory Facilities.

S3. *Controls.*

(a) The hazard warning unit shall be controlled by an independent switch or by the turn signal unit.

(*b*) The vehicular hazard signal function shall operate independently of the ignition switch.

(*c*) If the vehicular hazard operating unit is combined with the turn signal operating unit, the operating motion of the hazard function shall differ from the actuating motion of the turn switch function.

S3.2 *Durability test.* The vehicular hazard operating unit shall be durability tested at rated voltage with the maximum bulb load to be used on the vehicle. (Note: The flasher not to be included in the circuit during test.) The unit should be turned "on" and "off" in the normal manner, at a rate of not more than 15 cycles per minute. One cycle shall consist of "off" to "on" and return to "off." The test sequence shall consist of:

10,000 Cycles at a temperature of 75° F., plus or minus 10° F.

1 Hour "on" at a temperature of 75° F., plus or minus 10° F.

The unit shall be operative at the completion of the test (except bulbs may be replaced during the period of test) and the voltage drop from the input terminal to each output terminal (including 3 inches of No. 16 or 18 gage wire on each side of the switch) shall not exceed 0.3 volts with rated lamp load for either 6.4 or 12.8 line voltage before and after test. A combination switch shall meet all other applicable requirements for its function, in addition to the above durability test.

S3.3 *Pilot indicator lamps.* In vehicles equipped with right and left hand turn signal pilot indicators, both pilots and/or a separate pilot shall flash simultaneously while the vehicle hazard operating unit is turned "on." In vehicles equipped with a single turn signal pilot indicator, a separate vehicular hazard pilot indicator shall flash and the turn signal pilot may flash while the vehicular hazard operating unit is turned "on." If a separate vehicular hazard pilot indicator is used, it shall emit a red color and have a minimum area equivalent to a 0.5 inch diameter circle.

S3.4 *Flashers.* Flashers used with the vehicular hazard warning switches shall be capable of flashing the specified lamp load between 60–120 flashes per minute and 30 to 75 percent "on" time. In the event of failure of one or more of the hazard signal lamps, the remaining lamps shall continue to flash.

[Federal Standard No. 515/8]

SAFETY GLASS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes the specific requirements for safety glass for automotive vehicles.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, light trucks up to 10,000 pounds gross vehicle weight and buses.

S3. *Standard characteristics.* Safety glass used in the windshield, window, door, or any other opening for vehicles covered by this standard shall conform to the requirements contained in the American Standards Association, Inc., American Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways, ASA Z26.1–1950. Windshields shall be glazed with laminated safety glass.

S3.1 *Trucks and buses.* Windshields, windows, doors, or any other openings whenever glazing is used in trucks and buses covered by this standard shall, in addition to S3, conform to the requirements contained in Interstate Commerce Commission Motor Carrier Safety Regulations, 49 CFR, 193.60—193.63.

S3.1.1 *School buses.* Windshields, windows, doors, or any other openings whenever glazing is used in school buses covered by this standard shall, in addition to S3 and S3.1, conform to the requirements contained in the National Education Association Minimum Standards for School Buses.

[Federal Standard No. 515/9]

DUAL OPERATION OF BRAKE SYSTEM FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for hydraulic brake systems installed on automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds gross vehicle weight (G.V.W.).

S3. *Standard characteristics.* Automotive vehicles shall be equipped with a service brake system of such design that rupture or failure of an actuating-pressure component of any single brake shall not result in complete loss of function of all remaining brakes of the system. Actuating-pressure components are defined as the brake master cylinder, brake cylinder, brake line, and brake hose.

S3.1 In the event of rupture or failure of an actuating-pressure component to any single brake, the unaffected brakes of the system shall be capable of stopping the automotive vehicle in a reasonably straight line at its rated G.V.W. load.

S3.2 The service brake system shall include a means for giving positive indication of partial loss of system effectiveness.

[Federal Standard No. 515/10]

STANDARD BUMPER HEIGHTS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes height for front and rear bumpers and/or guards for automotive vehicles.

S2. *Application.* This standard applies to sedans and station wagons.

S3. *Standard characteristics.* The SAE, Recommended Practice for Service Brake Performance, SAE J658, and Standard for Bumper Heights SAE J681 form the basis of this standard.

S3.1 Under static conditions, front and rear bumpers and/or guards must present a contact area between treads 16 inches above road level.

[Federal Standard No. 515/11]

STANDARD GEAR QUADRANT (P R N D L) FOR AUTOMOTIVE VEHICLES EQUIPPED WITH AUTOMATIC TRANSMISSIONS

S1. *Purpose and scope.* This standard establishes the specific requirements for standard gear quadrant (P R N D L) for automotive vehicles equipped with automatic transmissions.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, and light trucks up to 10,000 pounds gross vehicle weight.

S3. *Standard characteristics.* The order of selection of the gear quadrant shall be park, reverse, neutral, forward drive, and low forward drive (P R N D L). Neutral shall be positioned between reverse and forward drive. In no case shall reverse be positioned adjacent to a forward drive. Reverse, forward drive and low forward drive may be modified to permit various gear ratios in these positions at the option of the manufacturer. Lowest forward gear selected position shall provide a braking effect for downhill driving and the lowest selected gear shall be locked in at 25 miles per hour and under.

[Federal Standard No. 515/12]

SWEEP DESIGN OF WINDSHIELD WIPERS—WASHERS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes test procedures and minimum performance requirements for automotive vehicle windshield wiping systems.

S2. *Application.* This standard applies to sedans, buses, station wagons, carryalls, and light trucks up to 10,000 G.V.W., with fixed-type windshields.

S3. *Requirements.* The windshield wiper system shall be driven by a multispeed electric motor controlled by a conveniently located switch. All other windshield wiper requirements shall conform to SAE Recommended Practice for Passenger Car Windshield Wiper Systems, SAE J903.

S3.1 The windshield washer system shall be provided with a nonrigid container with a capacity of at least 48 liquid ounces of fluid. The fluid shall be applied to the windshield by pressure generated by vacuum or other methods. The washer shall be operated by either foot or hand control.

S3.2 Tests: All tests for the windshield wiper system shall conform to SAE Recommended Practice SAE J903.

[Federal Standard No. 515/13]

GLARE REDUCTION SURFACES—INSTRUMENT PANEL AND WINDSHIELD WIPERS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes glare limits for appearance finishes of instrument panels and windshield wiper components in and adjacent to the operator's field of view to achieve the most practical reduction of distracting reflectance for automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds gross vehicle weight (G.V.W.).

S3. *Standard characteristics.* Standard methods, tentative methods, and tentative recommended practices of the American Society for Testing and Materials, ASTM Designation D 523, D 1535, E 179; the Munsell Color Co., Munsell Book of Color; and the SAE Recommended Standard SAE J826, form the basis for this Federal standard.

S3.1 *Definitions.*

S3.1.1 *Field of view.* With the operator's seat in its rearmost position, the operator's field of view is defined as that area forward of a line extending to the sides of the vehicle from the point at which the back pan of the SAE J826 three-dimensional manikin makes contact with the operator's seat back.

S3.1.2 *Glare.* The visual effect of any source of light in the field of view that either dilutes or competes with the central attention signal on which attention is being focused.

S3.1.3 *Specular gloss.* Ratio of flux reflected in the specular direction, for specified size of source and receptor, to incident flux.

S3.1.4 *Luminous reflectance.* Ratio of flux reflected in all directions, to incident flux.

S3.1.5 *Saturation.* The attribute of color perception that expresses the degree of departure from gray of the same lightness. All grays have zero saturation.

S3.1.6 *Chromatic glare.* The product of the Munsell value by the Munsell chroma (V x C).

S3.2 *Instrument panels.* The specular gloss of instrument panel top surfaces which can produce glare in the windshield shall not exceed 6.0 units maximum, measured by the 60-degree method of ASTM D 523.

S3.3 *Windshield wiper arms and blades.* The specular gloss of windshield wiper arms and wiper blades in the operator's field of view shall not exceed 100 units maximum, measured by the 60-degree method of ASTM D 523.

S3.4 *Luminous reflectance.* The total luminous reflectance of instrument panel top surfaces for zero (0) degrees incidence shall not exceed 30 percent (Munsell value less than 6.0/), measured as described by ASTM E 179–61.

S3.5 *Saturation.* The Munsell chroma of instrument panel top surfaces shall be not more than /6.

S3.6 *Chromatic glare.* The product of the Munsell value by Munsell chroma of the instrument panel top surfaces that can produce glare in the windshield shall not exceed 25 maximum, as defined in ASTM D 1535–62.

[Federal Standard No. 515/14]

EXHAUST EMISSION CONTROL SYSTEM FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes vehicular emission control limits for contaminants discharged from gasoline powered automotive vehicle engines through the "tail pipe" or exhausted into the surrounding atmosphere. It does not cover losses such as from the fuel tank, carburetor, and crankcase vents.

S2. *Application.* This standard applies to sedans, carryalls, station wagons, and light trucks up to 6,000 pounds gross vehicle weight (G.V.W.) equipped with engines of 140 cubic inch displacement and over.

S3. *Standard characteristics.* The State of California, California Test Procedure and Criteria for Motor Vehicle Exhaust Emission Control, forms the basis for this standard.

S3.1 *Definitions.*

S3.1.1 *Contaminants.* Contaminants are defined as hydrocarbons and carbon monoxide.

S3.1.2 *Hydrocarbons.* Hydrocarbons are defined as the organic constituents of vehicle exhausts measured by a hexane-sensitized nondispersive infrared analyzer or by an equivalent method.

S3.2 All automotive vehicles up to 6,000 pounds G.V.W. covered by this standard shall be equipped with an integral or ancillary control system to provide exhaust emission control of contaminants. The average emission limits shall not exceed:

Hydrocarbons—275 parts per million.
Carbon monoxide—1.5 percent.

S3.3 *Test conditions.*

S3.3.1 Test procedures for vehicle exhaust emissions and criteria evaluation shall be as specified in the California Test Procedure and Criteria for Motor Vehicle Exhaust Emission Control Manual, of the issue in effect on the date of this standard, and shall meet the standards in the manner established therein.

[Federal Standard No. 515/15]

TIRES AND SAFETY RIMS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for tires and safety rims installed on automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds gross vehicle weight (G.V.W.).

S3. *Standard characteristics.* Federal Specification ZZ-T-381 and The Tire and Rim Association, Inc., Year Book forms the basis for this standard.

S3.1 *Tires.* Automotive vehicles shall be equipped with tires conforming to Federal Specification ZZ-T-381.

S3.2 *Rims.* Rims shall conform to The Tire and Rim Association, Inc. recommendations for the type and size of tire furnished.

[Federal Standard No. 515/16]

BACKUP LIGHTS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes an automotive vehicle backup light system that will warn pedestrians and other vehicles that the vehicle is moving in a reverse direction.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, and light trucks up to 10,000 pounds gross vehicle weight (G.V.W.).

S3. *Requirements.* The backup lights shall consist of two rear white lights which when the ignition is on shall be illuminated automatically whenever the vehicle is in the reverse gear. All electrical equipment including wiring, lamps, and etc., shall conform to SAE Standard for Back Up Lamps SAE J593.

S3.1 *Tests.* All tests for the backup light system shall conform to SAE J593a.

[Federal Standard 515/17]

OUTSIDE REARVIEW MIRRORS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for an outside rearview mirror(s) for automotive vehicles to provide driver vision to the rear without excessive eye or head movement.

S2. *Application.* This standard applies to sedans, station wagons, carryalls, buses, and trucks up to 10,000 pounds (G.V.W.).

S3. *Requirements.* The rearview mirror shall provide the driver with a clear, undistorted view of unit magnification under day or night operating conditions. The rearview mirror shall be of such size as to provide the driver a view of the road surface from a maximum distance of 25 feet to the rear of the vehicle, to the horizon on a level road under normal load conditions and shall provide a horizontal field covering not less than 15 degrees. The rearview mirror shall be so mounted on the outside of the vehicle in such a manner as to provide the driver with a stable readily distinguishable image under normal road conditions and shall be so located as to require minimum head or eye movement by the driver and shall not be obscured by the unwiped portion of the windshield. The rearview mirror mounting shall be readily adjustable to accommodate different size drivers, seat positions and load conditions. The rearview mirror and mounting shall be designed, constructed, located and mounted as to minimize injury potential. The rearview mirror shall be designed and constructed to be mounted on the left outside of the vehicle.

S3.1 All buses, station wagons, carryalls, and trucks shall be provided with a right outside mirror to provide driver vision to areas obscured by load conditions conforming to ICC Motor Carrier Safety Regulations, 49 CFR 193.80. The visual characteristics and mounting of the right outside rearview mirror shall conform to the requirements of the left rearview outside mirror.

Effective date. The standard prescribed herein shall take effect 1 year and 90 days after the date of its publication in the FEDERAL REGISTER.

Provisions for changes in the standard. Section 4 of Public Law 88-515 provides for the possibility of changes in the standard first established under Section 2 of that Act. Any person, firm, or organization wishing to propose a change in this standard after it is prescribed shall submit the detailed proposal to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C., 20405. If this standard as so first established is thereafter changed, the changes shall take effect 1 year and 90 days after the date of publication of such changes in the FEDERAL REGISTER.

[F.R. Doc. 65-834; Filed, Jan. 25, 1965; 8:50 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-203]

PREVAILING MINIMUM WAGES FOR SEPARABLE GROUPS OF OCCUPATIONS

Extension of Time for Comments

The time for submissions of data, views, and argument concerning the proposed procedure for determining different prevailing minimum wages under the Walsh-Healey Public Contracts Act for separable groups of occupations expired on January 16, 1965 (29 F.R. 11842, 14445). The careful consideration which will be given to the voluminous submissions which have been and are still being received by the Department concerning this proposal will preclude action being taken on it for some time. Accordingly, data, views, and argument received after January 16, 1965 will be considered in resolving this matter. Notice will be published in the FEDERAL REGISTER 30 days before the period for such submissions expires.

Signed at Washington, D.C., this 19th day of January 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-758; Filed, Jan. 25, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-EA-29]

TRANSITION AREAS

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71, § 71.181 of the Federal Aviation Regulations which would establish a 700-foot transition area over the Beaver County Airport, Beaver Falls, Pa. The Beaver County Airport has recently been authorized instrument approach procedures.

The proposed transition area above Beaver County Airport will protect departure aircraft climbing to 1,200 feet from 700 feet above ground level and with the extension to the Ellwood City, Pa., VOR will provide protection to aircraft utilizing the instrument approach procedure down to 700 feet above ground level.

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

Interested persons may participate in the proposed rulemaking by submitting such written data or views, as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. 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 hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views 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 light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Rules Docket Section, 800 Independence Avenue SW., Washington, D.C. A docket will also be available for examination at the Office of Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace requirements of Beaver Falls Airport, Beaver Falls, Pa. including studies attendant to the implementation of the provisions of CAR Amendments 60-21 and 60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace action hereinafter set forth.

1. Amend § 71.181 of Part 71 by establishing a Beaver Falls, Pa. transition area as described as follows:

BEAVER FALLS, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa. and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6 mile radius area to the VOR.

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

Issued in Jamaica, N.Y., on January 7, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-728; Filed, Jan. 25, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-66]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Danville, Va., control zone and designate a 700-foot transition area over the Danville Airport, Danville, Va., and a 1,200-foot transition area for the Danville, Va., terminal area.

The present controlled airspace in the terminal area is comprised of portions of the Danville, Va. (29 F.R. 1080), Lynchburg, Va. (29 F.R. 1087) and Roanoke, Va. (29 F.R. 1095) control area extensions and the Danville, Va. (29 F.R. 1113) control zone. The control zone is generally described as that airspace within a 5-mile radius of Danville Airport with about a 7-mile extension to the SW.

The control zone would be altered to delete about 5 miles of the SW extension and add a 2-mile NE extension. The 700- and 1,200-foot transition areas would provide protection for aircraft executing prescribed holding, arrival and departure procedures in the Danville terminal area.

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

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 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 hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Rules Docket Section, 800 Independence Avenue SW., Washington, D.C. A docket will also be available for examination at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency having completed a comprehensive review of the terminal airspace requirements for the Danville, Va., area attendant to the implementation of the provisions of CAR Amendments 60-21 and 60-29 (26 F.R. 570, 27 F.R. 4012) proposes the airspace actions hereinafter set forth.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Danville, Va., control zone and insert in lieu thereof the following:

Within a 5-mile radius of the center 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; and within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Danville, Va., 700- and 1,200-foot transition area described as follows:

DANVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 7-mile radius area to 8 miles NE and 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°00'00" N., 80°25'20" W. to 37°00'00" N., 78°38'00" W. to 36°33'00" N., 78°43'00" W. to 36°18'30" N., 79°27'00" W., thence along a 35-mile radius arc (centered at 36°06'00" N., 80°01'30" W.) to 36°36'20" N., 80°06'30" W. to 36°46'40" N., 80°07'40" W. to the point of beginning.

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

Issued in Jamaica, N.Y., on January 7, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-729; Filed, Jan. 25, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-53]

TRANSITION AREAS

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71, § 71.181 of the Federal Aviation Regulations which would designate a 700-foot transition area over 3M Airport at Bristol, Pa. The 3M Airport has recently received authorization for instrument approach procedures.

The proposed transition area above 3M Airport will protect departure aircraft climbing to 1,200 feet from 700 feet above ground level and aircraft utilizing instrument approach procedure down to 700 feet above ground level.

The floors of airways which traverse the transition areas proposed herein coincide with the floor of the transition areas.

Interested persons may participate in the proposed rule making by submitting such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. 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 hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Rules Docket Section, 800 Independence Avenue SW., Washington, D.C. A docket will also be available for examination at the Office of Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of 3M Airport terminal airspace requirements including studies attendant to the implementation of the provisions of CAR Amendments 60–21 and 60–29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace action hereinafter set forth.

1. Amend § 71.181 of Part 71 by establishing Bristol, Pa., transition area described as follows:

BRISTOL, PA.

That airspace from 700 feet above the surface within a 5-mile radius of the center 40°07'45" N., 74°51'00" W., of 3M Airport, Bristol, Pa., said transition area effective from sunrise to sunset daily, excluding that portion that coincides with North Philadelphia, Pa., 700-foot transition area.

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

Issued in Jamaica, N.Y., on January 7, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65–730; Filed, Jan. 25, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–CE–1]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Sidney, Nebr., terminal area.

The Sidney control zone is presently designated as that airspace within a 3-mile radius of Sidney Airport and within 2 miles either side of the Sidney VOR 070° and 259° radials, extending from the 3-mile radius zone to 12 miles W of the VOR. The Sidney transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 7 miles N and 10 miles S of the Sidney VOR 261° and 081° radials, extending from 20 miles W to 9 miles E of the Sidney VOR, excluding the airspace within Federal airways.

To implement the provisions of Amendments 60–21 (26 F.R. 570) and 60–29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

(1) Redesignate the Sidney, Nebr., control zone as that airspace within a 5-mile radius of Sidney, Nebr., Airport (latitude 41°05'50" N., longitude 102°59'00" W.) and within 2 miles either side of the Sidney VOR 079° radial, extending from the 5-mile radius zone to the VOR.

(2) Redesignate the Sidney, Nebr., transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Sidney VOR 259° radial extending from the VOR to 8 miles W of the VOR, and within 4 miles each side of the Sidney VOR 083° radial, extending from 9 miles E to 13 miles E of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles N and 8 miles S of the Sidney VOR 079° and 259° radials extending from 3 miles E to 12 miles W of the VOR.

The action proposed herein would increase the size of the Sidney control zone from a 3-mile radius to the normal 5-mile radius and eliminate the portion of the control zone that is no longer required.

The controlled airspace to be provided by the proposed transition area with a 700-foot floor is required to provide protection for aircraft executing prescribed instrument approach procedures at Sidney when the aircraft are descending from 1,500 feet to 1,000 feet above the surface and also to provide protection for aircraft departing Sidney eastbound when the aircraft are climbing from 700 feet to 1,200 feet above the surface. The proposed transition area with a 1,200-foot floor is required to provide protection for aircraft executing prescribed instrument holding and approach procedures within the Sidney terminal area.

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

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

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

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

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

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

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

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–731; Filed, Jan. 25, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 17]

[Docket No. 13384; FCC 65–40]

CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Termination of Proposed Rule Making Proceedings

In the matter of amendment of § 17.4 (a), (b), (c) and (d), Part 17—Construction, Marking and Lighting of Antenna Structures:

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of January 1965:

On February 3, 1960, the Commission issued a Notice of Proposed Rule Making looking toward amendment of § 17.4 of the Commission's rules to substitute the Federal Aviation Agency (FAA) for the Airspace Division of the Air Coordinating Committee. Subsequent to the Notice, the Air Coordinating Committee was terminated by Executive Order and § 17.4 was amended by substituting the FAA for references to the former.

In light of these circumstances, the length of time which has elapsed since the filing of the comments in this docket, intervening changes in FAA procedures and the change in § 17.4 of the Commission's rules, the Commission is of the view that further consideration of the comments and reply comments in this docket would serve no useful purpose.

In view of the foregoing: *It is ordered*, That this proceeding is terminated.

Released: January 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–754; Filed, Jan. 25, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 15796; FCC 65–51]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Proposed Rulemaking

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Atmore, and Evergreen, Ala.; Colorado Springs, Colo.; Bethany, and Chickasha, Okla.; Broomfield, Fort Collins, and Littleton, Colo.; Anchorage, Alaska; Oneonta, N.Y.; Ellsworth, Maine; Little Rock, Ark.; Hays, Kans.; Cheboygan and Mackinaw City, Mich.; Neillsville and Rhinelander, Wis.; Oelwein and Spencer, Iowa; New Ulm, Minn.; Watertown, S. Dak.; Manchester, Conn.; and Knoxville, Tenn.; Anoka and Cambridge, Minn.), Docket No. 15796, RM–665, RM–673, RM–679, RM–682, RM–684, RM–686, RM–691, RM–699, RM–712.

[1] Commissioner Lee absent.

1. Notice of proposed rule making is hereby given concerning changes in § 73.202 of the Commission's rules, the FM Table of Assignments, in connection with the above-listed petitions for rule-making. All proposed new assignments are alleged and appear to meet the spacing requirements of the rules.

2. *RM-665: Atmore, Ala.* On September 23, 1964, Tom C. Miniard and Grady L. Ingram, doing business as Southland Broadcasting Co., licensee of radio station WATM, Atmore, Ala., filed a petition requesting the assignment of Channel 281 to Atmore by substituting Channel 228A for 280A at Evergreen, Ala. Atmore, a community of 8,173[1] persons, has a daytime-only standard broadcast station in operation (WATM). It is located about 40 miles from Mobile, where five Class C assignments are available. It has been the general policy of the Commission in FM allocation proceedings to assign Class B or C channels to the larger cities and Metropolitan areas and the Class A assignments to the smaller communities and cities. Class B or C assignments have been made to smaller communities only upon a showing that they are far removed from any large city or metropolitan area and that such a channel is needed to cover a large rural area. We are of the view that Atmore (which is not the county seat of its county) may be the type of community which warrants the assignment of a Class A channel rather than a Class C assignment. In view of the fact that no simple method for making a Class A assignment available to Atmore is apparent, the Commission feels justified in inviting comments on the petitioner's proposal for a Class C assignment.

3. In view of the above, the Commission believes that comments should be invited on the petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Atmore, Ala.		281
Evergreen, Ala.	280A	228A

4. *RM-673: Colorado Springs, Colo.* On October 21, 1964, Pikes Peak Broadcasting Co., licensee of Station KRDO (AM), Colorado Springs, Colo., filed a petition requesting the addition of Channel 264 to Colorado Springs. Petitioner urges that there is a need for an additional FM station in that city in view of the great growth in population, size of the corporate city, postal receipts, property value, motor vehicle registration, public utility installations and other indices of economic growth. Petitioner points out that all the four assigned FM channels are either in operation or applied for; that the only way in which it can serve the area is by means of an FM outlet in view of the highly limited nature of the KRDO operation (KRDO is a Class IV station); that the proposal meets all the rules; and that the proposed additional assignment would not preempt the channels available to the area since other assignments can also be made in it. A substantial number of statistics concerning commercial projects, military installations, and the other economic indices mentioned above are included for a number of years to illustrate the need for the additional FM assignments. Colorado Springs has a population of 70,194 and the county in which it is located has a population of 143,742.

5. The Commission is of the view that rule making should be instituted on petitioner's proposal and invites comments on the following:

City	Channel No.	
	Present	Proposed
Colorado Springs, Colo.	225, 232A, 243, 270	225, 232A, 243, 270, 264

Since Colorado Springs (population 70,194) already has the number of assignments contemplated by the criteria used in making up the Table of Assignments, comments are invited on whether the proposed addition will preclude needed future assignments in the general area.

6. *RM-679: Bethany, Okla.* On November 2, 1964 Nall Broadcasting Co., prospective applicant for a new FM station in Bethany, Okla., filed a petition requesting the assignment of Channel 285A to Bethany by substituting Channel 288A for 285A at Chickasha, Okla. Nall submits that there are no assignments in Bethany, a community of over 12,000 persons located about 7 miles from Oklahoma City and urges that the proposed changes conform to all the rules and that an application will be filed for a station on the assignment in the event it is adopted.

7. We are of the view that rule making should be instituted on petitioner's proposal in order that interested parties may submit their views and relevant data as follows:

City	Channel No.	
	Present	Proposed
Bethany, Okla.		285A
Chickasha, Okla.	285A	288A

8. *RM-682: Broomfield, Colo.* On November 6, 1964, Broomfield Broadcasting Co., prospective applicant for a new FM station in Broomfield, Colo., filed a petition requesting rule making to assign Channel 234 to Broomfield by making changes in assignments in Fort Collins and Littleton, Colo. Broomfield has a population of 4,535 and is located about midway between Denver and Boulder, Colo. (about 12½ miles). It has no AM station nor any FM assignments. There are no applications on file for the assignments proposed to be deleted in Fort Collins and Littleton. Broomfield urges that the proposal conforms to all the rules and would provide the first radio service in the community.

9. Normally a Class A assignment would be appropriate for a community such as Broomfield. However, since a Class A assignment is not available for assignment, we are inviting comments on the petitioner's proposal to assign a Class C channel to Broomfield. Comments are, therefore, invited on the following proposal:

City	Channel No.	
	Present	Proposed
Broomfield, Colo.		234
Fort Collins, Colo.	227, 234	227, 300
Littleton, Colo.	299	293

10. *RM-684: Anchorage, Alaska.* On November 10, 1964 Sourdough Broadcasters, Inc., licensee of radio Station KHAR(AM) in Anchorage, Alaska, filed a petition for rule making seeking the additional assignment of Channel 280A to Anchorage. There are at the present time four FM assignments in Anchorage, three Class C and one Class A. One of the Class C assignments and the Class A assignment are in operation and no applications are on file for the remaining two Class C assignments. Petitioner submits that Anchorage needs an additional FM assignment but urges that because of the high cost of power and the little additional coverage which would be obtained by the use of a Class C channel, a Class A assignment would fill the needs of the public. Petitioner states that the major portion of the area can be served by a Class A station because of the bordering mountains.

11. In general, we have tried to avoid mixing Class A and wide-coverage Class B or C channels in the same community. However, here as we have done elsewhere, it may be appropriate to do so where potential applicants wish to begin operation on a more limited scale. The Commission is of the view that comments should be invited on the petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Anchorage, Alaska	263, 267, 271, 288A	263, 267, 271, 280A, 288A

12. *RM-686: Oneonta, N.Y.* On November 17, 1964 Capital Cities Broadcasting Corp., permittee of Station WROW-FM, Channel 238, Albany, N.Y., filed a petition for rule making requesting the substitution of Channel 280A for 237A at Oneonta, N.Y. The purpose of the proposed substitution is to permit the move of site of WROW-FM to the site of petitioner's TV station WTEN in the Helderberg Mountains. At the present time WROW-FM is short-spaced to three existing stations. In order to permit better FM service to the area Capital Cities has been seeking to move its WTEN site. Since this site would also be short-spaced, it has applied for the use of Channel 293 at Albany but found itself faced with a comparative hearing with two other applications for this channel. Under the rules recently

[1] All populations cited in this notice are taken from the 1960 U.S. Census unless otherwise noted.

adopted in the Fourth Report and Order in Docket 14185, WROW-FM can utilize the proposed site except for a shortage which would be created to the assignment of Channel 237A at Oneonta. Petitioner urges that the proposed substitution at Oneonta conforms to all the rules, that it would permit WROW-FM to move to its proposed site, and that WROW-FM would be then able to withdraw from the comparative hearing on Channel 293 and so permit the earlier inauguration of FM service on Channel 293 in Albany. No applications have been filed for Channel 237A at Oneonta.

13. The Commission believes that comments should be invited on petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Oneonta, N.Y.	237A	280A

14. *RM-691: Ellsworth, Maine.* On December 1, 1964, Coastal Broadcasting Co., Inc., licensee of radio Station WDEA (AM) at Ellsworth, Maine, filed a petition for rule making to add Channel 239, a Class B FM channel, to the present assignment of Channel 232A to Ellsworth.

15. Coastal submits that Ellsworth is the county seat and largest community in Hancock County; that it has a population of 4,444 and the county has a population of 32,293; that the only radio facility in the community is Station WDEA, a daytime-only station (there are no other FM assignments in the county); and that Channel 239 can be assigned to Ellsworth in conformance with all the separation rules and without precluding the possibility of future assignments to other communities in the State of Maine. Coastal recognizes that the Commission has previously, in general, assigned Class B and C channels to the larger cities and metropolitan areas and Class A channels to the smaller communities. It urges however, that exceptions have been made to small communities where there is a large surrounding rural area and where the community is far removed from metropolitan areas. Petitioner states that the foregoing considerations apply to Ellsworth, which is the economic center of a large area despite its small size but is surrounded by a large rural and sparsely populated area.[2] Finally, Coastal points out that a Class B assignment would permit coverage of the entire county of Hancock with a strong signal whereas only about 43 percent of the people in the county would get such a signal with a Class A assignment.

16. We are of the view that comments should be invited on the petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Ellsworth, Maine	232A	232A, 239

[2] The nearest large city is Bangor about 26 miles distant.

No. 16——5

17. *RM-699: Neillsville, Wis.* Neillsville, Wis., has been assigned a Class A FM channel, 288A, on which Central Wisconsin Broadcasting, Inc., has been authorized to operate Station WCCN-FM. On December 14, 1964, Central filed a petition for rule making requesting the substitution of a Class C channel at Neillsville (298) for its Class A assignment by making changes in other communities as follows:

City	Channel No.	
	Present	Proposed
Neillsville, Wis.	[1] 288A	298
Rhinelander, Wis.	298	300
Oelwein, Iowa	299	300
Spencer, Iowa	300	299
New Ulm, Minn.	298	225 or 226
Watertown, S. Dak.	226, 241	241 and one of 245, 283, 297, or 298

[1] Petitioner suggests that Channel 288A could be assigned to Beach River Falls, a community with a population of 3,195 and not now listed in the table.

Applications are on file for the Spencer, Iowa, and the New Ulm, Minn., assignments and these would have to be amended in the event the proposal were to be adopted.

18. Central submits that Neillsville has a population of 2,728 and is the county seat and largest community in Clark County, which has a population of 31,527; that its AM Station WCCN is a daytime-only station (the only one in the county) and hence cannot serve the county with early morning or nighttime service; that due to the large size of Clark County, its FM station only serves about 35 percent of the county with a 1 mv/m signal[3] but with a Class C assignment about 79 percent of the county would be within that contour, and that the nearest FM stations are 40 and more miles distant from Neillsville. Central urges that the proposed changes conform to all the separation rules and that a Class C assignment is the only way in which the people of Central Wisconsin can be properly served. Central states that it will file for the full 100 kw power which is permitted for Class C if the proposal is adopted. Finally, Central points out that the proposed changes makes it feasible (by rulemaking) to reassign Channel 300 from Cambridge, Minn., to Anoka, Minn., where an interest has been shown in an FM assignment by the licensee of radio Station KANO.[4]

19. Normally, Class A assignments are made to communities the size of Neillsville, while the Class B and C assignments are made to larger cities and metropolitan markets. However, in view of the isolation of the community (the nearest large city is Wausau, over 55 miles away) and the rural character may merit a departure from the general policy. Comments are therefore invited on the Central petition in order that all interested parties may submit their views and relevant data.

[3] Central fails to note that service to rural areas can be rendered by signals as low as 50 uv/m.

[4] On January 8, 1965 Northwest Broadcasting Co., licensee of KANO, Anoka, Minn., filed a petition supporting the Central proposal and, in addition, requesting the assignment of Channel 300 to Anoka by substituting 288A for 300 at Cambridge, Minn. This petition will be considered in this proceeding.

20. It has been brought to our attention that there are three cities in the Table which contain assignments removed from each other by the receiver IF difference in contravention of our rules (see Note in Section 73.207(a)). Accordingly, we propose to delete or move the assignment which would cause the interference, and which is not in use or applied for as follows:

City	Channel No.	
	Present	Proposed
Little Rock, Ark.	226, 231, 239, 253, 279	231, 239, 253, 279
Hays, Kans.	224A, 277	277
Cheboygan, Mich.	232A, 286	286
Mackinaw City, Mich.	----------	232A

21. On December 1, 1964 the construction permit for Station WINF-FM on Channel 300 at Manchester, Conn., was deleted. Since this assignment is extremely short-spaced with two co-channel stations in Westport, Conn., and Medford, Mass., we believe that the deletion of Channel 300 at Manchester would serve the public interest. Manchester is located about 7 miles from Hartford (five Class B assignments) and is located within the Hartford Metropolitan and urbanized areas. It has a local standard broadcasting station in operation. Accordingly, the Commission proposes to delete the entry for Manchester from the FM Table of Assignments.

22. Channel 227 is assigned to Knoxville, Tenn., but is extremely short-spaced to two existing co-channel stations at Forest City, N.C. and Tullahoma, Tenn. The previous licensee on this assignment now holds a license for Station WBIR-FM on Channel 278 in Knoxville. In view of the short spacings involved we are of the view that Channel 227 should be deleted from Knoxville. There remain in that city only three other FM assignments (with another in nearby Seiverville). In view of the size of this city, however, we are proposing to assign Channel 228A to replace 227. Although as a general policy we hesitate to mix Class A and B or C assignments we believe that, under the circumstances, we should make an exception in this case. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Knoxville, Tenn.	227, 248, 278, 299	228A, 248, 278, 299

23. All of the assignments proposed herein which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963.

24. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303, and

307(b) of the Communications Act of 1934, as amended.

25. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 23, 1965, and reply comments on or before March 5, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

26. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: January 19, 1965.

Released: January 21, 1965.

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

[F.R. Doc. 65-755; Filed, Jan. 25, 1965; 8:48 a.m.]

[47 CFR Part 83]

[Docket No. 15791; FCC 65-41]

FREQUENCY AVAILABLE FOR INTERSHIP COMMUNICATIONS IN PACIFIC COAST AREA

Notice of Proposed Rulemaking

In the matter of amendment of Part 83 of the Commission's rules to make the frequency 2142 kc/s available for intership communications in the Pacific coast area.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter. The text of the proposed rules is set forth below.

2. This proposal is being issued in response to a petition submitted by the Southern California Marine Radio Council, San Pedro, Calif., requesting that Part 83 of the Commission's rules be amended so as to designate one or more additional radiotelephone frequencies in the 2 to 3 Mc/s frequency band for intership communication along the west coast of the United States. The petition (RM-589), filed December 16, 1963, states that the two frequencies (2638 and 2738 kc/s) presently available in the area are overloaded and that added intership frequencies are needed in the interest of improving the safety, operational and business needs of watercraft.

3. The Commission has examined the possibility of using 2830 ks/s for intership communications along the west coast of the United States, as was proposed by the petitioner. Coordination for such use of the frequency with the Director of Telecommunications Management, who is responsible for frequency assignments to government stations, has not been successful because of government assignments on 2830 kc/s.

4. The duplex frequency pair 2142 kc/s (ship) and 2538 kc/s (coast) has been available for assignment under Parts 81 and 83 of the Commission's rules (formerly Parts 7 and 8) for public correspondence purposes in the San Francisco-Eureka, Calif. area for a period of about 10 years. During this period no coast station has been authorized to use the frequency 2538 kc/s in the area. Further, no indication of expected use of the frequency has been evidenced. Accordingly, in response to the subject petition, the Commission proposes to so amend Parts 81 and 83 as to delete the availability of the frequency pair for public correspondence purposes in the San Francisco-Eureka, Calif. area and make the ship frequency 2142 kc/s available for intership communications. Because of conflicting government assignments no proposal has been made to make 2538 kc/s available for intership communication. To protect established co-channel Canadian ship-to-shore public correspondence operations in the British Columbia area, the frequency 2142 kc/s would be made available on a day-only basis in the Pacific coast area south of parallel 42° north (the latitude of the border between the states of California and Oregon). This would, in effect, be a continuation of restrictions presently applicable to use of the frequency for ship-to-shore communications under Part 83 of the Commission's rules. The frequency would be authorized for intership safety, business and operational communications, as now permitted on the intership frequencies 2638 and 2738 kc/s.

5. The restrictions in area and time of use of 2142 kc/s, and in fact the circumstances under which the Commission is able to propose that this frequency be made available for intership use, are indicative of the problems involved in finding additional frequencies for maritime communications in the 2 to 4 Mc/s band. They particularly illustrate the improbability of finding a frequency for intership use on a 24-hour basis in a large area, such as the Pacific coast. The proposal in this docket proceeding in no way represents that additional 2 Mc/s frequencies have or can readily be found for intership use in other areas.

6. Authority for the proposals set forth herein is contained in sections 303 (c), (d), (f), (g), and (r) of the Communications Act of 1934, as amended. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 1, 1965, and reply comments on or before March 11, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 19, 1965.

Released: January 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81—Stations on Land in the Maritime Services is amended as follows:

§ 81.306 [Amended]

1. The portion of the table in § 81.306 (b) for San Francisco-Eureka, Calif. is amended by deleting the entry for 2538 kc/s.

B. Part 83—Stations on Shipboard in the Maritime Services is amended as follows:

1. Section 83.351, a new paragraph (b)(8) is added to read:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(8) The frequency 2142 kc/s is authorized for intership communication on a day-only basis in the Pacific coast area south of 42 degrees north latitude upon the express condition that harmful interference shall not be caused to the service of any station which, in the discretion of the Commission, has priority on the frequency or frequencies used for the service to which interference is caused.

§ 83.354 [Amended]

2. The portion of the table in § 83.354 (a)(1) for San Francisco-Eureka, Calif. is amended by deleting the entry for 2142 kc/s.

3. Section 83.358, paragraph (a) is amended to read:

§ 83.358 Frequencies below 3000 kc/s for safety purposes.

(a) The following carrier frequencies are authorized for intership safety communications in the respective geographic areas. In addition, on a noninterference basis to safety communications, the frequencies may be used for operational communications and, in the case of commercial transport vessels and vessels of municipal or State governments, for business communications. Use of these carrier frequencies is prohibited when the use of a licensed frequency above 27.5 Mc/s in lieu thereof would provide effective communication.

Frequency (kc/s)	*Geographic area*
2003	Great Lakes only.
2142	Pacific coast area south of latitude 42 degrees north, on a day-only basis.
2638	All areas.
2738	All areas except the Great Lakes and the Gulf of Mexico.
2830	Gulf of Mexico only.

* * * * *

[1] Dissenting statement of Commissioner Cox filed as part of the original document.

4. Section 83.366, paragraphs (b)(1), (d), (e), and (g) are amended to read:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(b) *Calling ship stations.* (1) Except when other operating procedure is used to expedite safety communication, ship stations, before transmitting on the intership working frequencies 2003, 2142, 2638, 2738, or 2830 kc/s, shall first establish communication with other ship stations by call and reply on 2182 kc/s: *Provided,* That calls may be initiated on an intership working frequency when it is known that the called vessel maintains a simultaneous watch on such working frequency and on 2182 kc/s.

* * * * *

(d) *Authorized use of 2003, 2142, 2638, 2738, and 2830 kc/s.* The intership working frequencies 2003, 2142, 2638, 2738, and 2830 kc/s shall be used for transmissions by ship stations in accordance with the provisions of §§ 83.176, 83.177, and 83.358.

(e) *Simplex operation only.* All transmission on 2003, 2142, 2638, 2738, and 2830 kc/s by two or more stations, engaged in any one exchange of signals or communications, shall take place on only one of these frequencies, i.e., the stations involved shall transmit and receive on the same frequency: *Provided,* That this requirement is waived in the event of emergency when by reason of interference or limitation of equipment single frequency operation cannot be used.

* * * * *

(g) *Limitation on duration of working.* Any one exchange of communications between any two ship stations on 2003, 2142, 2638, 2738, or 2830 kc/s, or between a ship station and a limited coast station on 2738 or 2830 kc/s, shall not exceed 3 minutes in duration after the two stations have established contact by calling and answering. Subsequent to such exchange of communications, the same two stations shall not again use 2003, 2142, 2638, 2738, or 2830 kc/s for communication with each other until 10 minutes have elapsed: *Provided,* That this provision shall in no way limit or delay the transmission of communications concerning the safety of life or property.

* * * * *

5. Section 83.369, paragraph (a)(2)(ii) is amended to read:

§ 83.369 Operation under interim ship station license.

(a) * * *

(2) * * *

(ii) For ship-to-ship communication: 156.3 Mc/s, 156.4 Mc/s and the frequencies set forth in § 83.358.

* * * * *

[F.R. Doc. 65-756; Filed, Jan. 25, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

DEPREDATING COMMON MERGANSERS (AMERICAN MERGANSERS)

Order Permitting Killing In, On, or Over Designated Lakes and Streams in Western Washington

It has been determined from investigations and observations made by the Bureau of Sport Fisheries and Wildlife and the Washington State Department of Game that serious depredations to trout populations in certain streams and lakes are occurring because of large numbers of common mergansers (American mergansers) present in western Washington and cannot be considered as localized injury. It was further determined that these depredations can best be minimized or alleviated by permitting depredating common mergansers (American mergansers) to be killed and taken by shooting in any affected areas under specific conditions and restrictions. This order will become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER. Accordingly, pursuant to authority contained in § 16.25, Title 50, Code of Federal Regulations, it is ordered as follows:

1. (a) Common mergansers (American mergensers) may be killed by shooting only with a shotgun not larger than No. 10 gauge fired from the shoulder, during the daylight hours only, on or over the following lakes and streams in western Washington when committing or about to commit serious depredations upon trout populations:

CLALLAM COUNTY

Sutherland Lake

COWLITZ COUNTY

Yale Reservoir

GRAYS HARBOR COUNTY

Failor Lake

ISLAND COUNTY

Cranberry Lake

JEFFERSON COUNTY

Crocker Lake. Leland Lake.

KING COUNTY

Ames Lake.
Beaver Lake.
Desire Lake.
Joy Lake.
Meridian Lake.
Morton Lake.
North Lake.
Pine Lake.
Shadow Lake.
Shady Lake.
Star Lake.
Steel Lake.
Wilderness Lake.

KITSAP COUNTY

Horseshoe Lake.
Island Lake.
Kitsap Lake.
Mission Lake.
Scout Lake.
Tiger Lake.
Wildcat Lake.

MASON COUNTY

Aldrich Lake.
Benson Lake.
Cady Lake.
Clara Lake.
Devereaux Lake.
Haven Lake.
Isabella Lake.
Lost Lake.
Nahwatzel Lake.
Panther Lake.
Phillips Lake.
Spencer Lake.
Tiger Lake.
Trails End Lake.
Trask Lake.
Twin Lake.
U Lake.
Wooten Lake.

PACIFIC COUNTY

Loomis Lake

PIERCE COUNTY

Bay Lake.
Clear Lake (Eatonville).
Crescent Lake.

SAN JUAN COUNTY

Hummel Lake

SKAGIT COUNTY

Beaver Lake.
Cavanaugh Lake.
Clear Lake.
Hart Lake.
Pass Lake.

SNOHOMISH COUNTY

Bosworth Lake.
Crabapple Lake.
Flowing Lake.
Goodwin Lake.
Ki Lake.
Loma Lake.
Martha Lake (Alderwood Manor.)
Martha Lake (Warm Beach).
Roesiger Lake.
Serene Lake (Highway 99).
Shoecraft Lake.
Silver Lake.
Storm Lake.
Wagner Lake.

THURSTON COUNTY

Clear Lake (Bald Hills).
Deep Lake.
Hicks Lake.
Lawrence Lake.
Summit Lake.
Ward Lake.

WHATCOM COUNTY

Silver Lake

STREAMS

Bogachiel River.
Chehalis River.
Cowlitz River.
Dosewallips River.
Duckabush River.
Dungeness River.
Elochoman River.
Grays River.
Green River.
Hoh River.
Humptulips River.
Kalama River.
Lewis River and forks.
Newaukum River.
Nisqually River.
Nooksack River.
Puyallup River.
Salmon Creek.
Satsop River.
Skagit River.
Skokomish River.
Skykomish River.
Snohomish River.
Snoqualmie River.
Sol Duc River.
Soos Creek.
Stillaguamish River.
Tahuya River.
Tilton River.
Tolt River.
Toutle River.
Union River.
Washougal River.
Willapa River.
Wind River.
Wynooche River.

(b) The authorization to kill mergansers, as contained in this order shall terminate on April 15, 1965: *Provided*, If prior to that date it is found that the emergency condition no longer exists, the killing of common mergansers (American mergansers) as permitted under this order will be terminated earlier by publication of an order of revocation in the FEDERAL REGISTER.

(c) Common mergansers (American mergansers) killed under the provisions of this order may be used for food and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed: *Provided*, That any American mergansers which cannot be utilized for the purposes stated in this paragraph because of their unfitness for human consumption may be completely destroyed.

2. This order does not permit the killing of common mergansers (American mergansers) in violation of any State law or regulation. This order contemplates emergency measures designed to aid in relieving depredations and is not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act (sec. 3, 40 Stat. 755, as amended, 16 U.S.C. 704).

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 19, 1965.

[F.R. Doc. 65-753; Filed, Jan. 25, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA AND NORTH DAKOTA

Designation of Areas For Emergency Loans

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

LOUISIANA

Richland

NORTH DAKOTA

Eddy.
Foster.
McKenzie.
Mercer.
Oliver.

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

Done at Washington, D.C., this 19th day of January 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-743; Filed, Jan. 25, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15475]

TRANS-AIR SYSTEM INC.

Notice of Prehearing Conference

Application of Lifschultz Transport Inc., et al., for approval of acquisition of control of Trans-Air System Inc., and certain interlocking relationships, pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, to the extent that the same are not exempt under Economic Regulations, Part 287.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 9, 1965, at 10:00 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., January 18, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-759; Filed, Jan. 25, 1965; 8:48 a.m.]

CIVIL SERVICE COMMISSION

SUPERVISORY EDUCATION SPECIALIST ET AL.

Notice of Manpower Shortage

Under the provisions of Public Law 86-587, the Civil Service Commission has determined that there is a manpower shortage for the following:

Series code and grade	Title	Location	Effective date
GS-1710-12	Supervisory Education Specialist.	Job Corps Rural Centers, various locations.	Jan. 8, 1965
GS-1701-11	Educational Counselor.	do	Do.
GS-1710-5, 7, 9.	Teacher (elementary).	do	Do.
GS-1712-5, 7, 9.	Training Instructor (general).	do	Do.

Travel regulations issued by the Bureau of the Budget are to be used by the agencies in authorizing payment of travel and transportation expenses for the positions listed in this letter.

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

[F.R. Doc. 65-717; Filed, Jan. 25, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15741, 15742; FCC 65M-62]

ROBERT J. MARTIN AND TALTON BROADCASTING CO.

Order Continuing Hearing

In re applications of Robert J. Martin, Selma, Alabama, Docket No. 15741, File No. BPH-4499; Talton Broadcasting Co., Selma, Ala., Docket No. 15742, File No. BPH-4572; for construction permits.

Talton Broadcasting Co., having on January 15, 1965, filed a motion for continuance; and

It appearing that a continuance is supported by all parties to the proceeding and that good cause has been shown for grant of the motion;

It is ordered, This 15th day of January 1965, that the motion by Talton Broadcasting Co. for continuance is granted and that the January 19, 1965, date for prehearing conference is extended to February 19, 1965, and that the commencement of the hearing is rescheduled from February 16, 1965, to March 16, 1965.

Released: January 18, 1965.

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

[F.R. Doc. 65-739; Filed, Jan. 25, 1965; 8:46 a.m.]

[Docket Nos. 15615, 15617; FCC 65R-20]

LORENZO W. MILAM ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Lorenzo W. Milan & Jeremy D. Lansman, a partnership, St. Louis, Mo., Docket No. 15615 File No. BPH-4218; Christian Fundamental Church, St. Louis, Mo., Docket No. 15617, File No. BPH-4402; for construction permits.

1. The Review Board has before it for consideration the Broadcast Bureau's motion to include an antenna site availability issue with respect to the application of Lorenzo W. Milam & Jeremy D. Lansman (Milam & Lansman).[1]

[1] The pleadings before the Review Board include: (1) Motion to enlarge issues, filed December 7, 1964, by the Broadcast Bureau; (2) opposition, filed December 15, 1964, by Lorenzo W. Milam & Jeremy D. Lansman, a partnership; (3) reply, filed December 21, 1964, by the Broadcast Bureau; and (4) comments in support of Broadcast Bureau's petition to enlarge, filed December 22, 1964, by Christian Fundamental Church. In its Comments in support of Broadcast Bureau's petition to enlarge, Christian Fundamental Church incorporates, by reference, its petition for enlargement of issues, filed December 22, 1964, which requests the addition of antenna site availability and misrepresentation issues against Milam & Lansman. Said petition for enlargement of issues will be the subject of a separate Memorandum Opinion and Order when all related pleadings have been filed.

2. The mutually-exclusive applications of Milam & Lansman and of Christian Fundamental Church for construction permits for a new FM broadcast station on Channel 273, St. Louis, Mo., were designated for hearing by Commission Order (FCC 64-821), released September 8, 1964, and published in the FEDERAL REGISTER (29 F.R. 12853) on September 11, 1964. The designation Order specified an issue relative to the areas and populations to be served by the proposals and the standard comparative issue. The engineering portion of the Milam & Lansman application indicated that the proposed antenna would be mounted on the upper portion of a guyed tower of 116 feet to be installed at the present location of a 56-foot tower currently being used by Radio Station KADI-FM on the roof of the Continental Building in St. Louis, Mo.[2] In a Memorandum Opinion and Order (FCC 64R-561), released December 16, 1964, the Review Board denied a motion to include a site availability issue against Milam & Lansman, which was requested by Christian Fundamental Church, on the grounds that the motion was procedurally and substantively deficient. Nevertheless, the Board noted that the Broadcast Bureau had directed an inquiry to the management of the Continental Building relative to the proposed antenna site of Milam & Lansman, and the Board stated that its denial of the Christian Fundamental Church motion did not preclude future consideration of the question if newly-discovered facts so warranted.

3. On the basis of the reply received from the management of the Continental Building, the Bureau moves that a site availability issue be added against Milam & Lansman. In that reply, dated December 2, 1964, and attached to the Bureau's motion, Thelma M. Tucker, rental agent for the Continental Building, states that she had no correspondence or any other contact with Jeremy Lansman prior to September 25, 1964, and that she has found no evidence of a request by Milam & Lansman to use the roof of the Continental Building. The rental agent also points out that she has not given anyone the right to construct a tower or add to the existing tower on the building's roof; that she does not have the authority to grant such permission; and that proposed construction could not be authorized to anyone without appropriate sketches and engineering data. Miss Tucker claims that no one has submitted any such sketches or engineering data to her or to the owner of the building. In light of these remarks by the rental agent, the Bureau claims that the availability of the antenna site of the partnership for its proposed use is in doubt and that the requested issue should be added.

4. Milam & Lansman initially contend that the Bureau's motion is procedurally

[2] In Federal Aviation Agency Form 117 (attached to the engineering portion of the partnership application), the consulting engineer for Milam & Lansman indicated that a permanent alteration was proposed to increase the height of an existing antenna structure by 60 feet and to install a side-mounted antenna atop the Continental Building.

defective under § 1.229 of the Commission's rules in that the statement of the rental agent is not under oath. Milam & Lansman also oppose the Bureau's position on the merits in that the partnership satisfied itself through personal inquiries and correspondence that it could secure the site; an affidavit of Jeremy D. Lansman, dated December 15, 1964, is attached to the partnership's opposition in support of this contention. In the affidavit, Lansman avers that, prior to the filing of the Milam application, he made several inquiries concerning a suitable site and, as a result, received a letter from the Continental Building realtor, which letter was signed by a Mr. Brennan. Lansman states that he subsequently requested a sample lease from the realtor on several occasions and that, while no lease was ever received, Lansman was told that space was available for a tower for an FM station. When the question of site availability was first raised by Christian Fundamental Church, Lansman claims that he contacted the realty company again and was assured that space is available on the roof of the Continental Building for three more stations. In support of this statement, Lansman attaches a letter from Thelma Tucker, dated October 19, 1964, wherein she states that she has been unable to locate a file or any proposal for a lease regarding the partnership; however, she does confirm space availability to a Commission licensee whose equipment is compatible with existing equipment located on the existing tower of the building. Lansman, in his affidavit, also claims that he has consulted with a Mr. Cervanties of the Continental Building who has informed Lansman that the tower structure proposed by the partnership could be placed on the building. Since use of the Continental Building has not been ruled out by the building's rental agent and since the partnership has in fact been asked to submit plans and specifications for the rental agent's use in making a lease of the site, Milam & Lansman contend that they have adequately demonstrated reasonable assurance that they may secure the right to use the site.

5. The Bureau's request to include a site availability issue against Milam & Lansman is not supported by an affidavit of the rental agent for the Continental Building. See § 1.229(c) of the rules. The Board notes, however, that the reply received to the Bureau's certified, special delivery letter is supported in all particulars by the rental agent's affidavit of November 12, 1964, which was submitted with the petition for enlargement of issues, filed by Christian Fundamental Church on December 22, 1964. While it may be true that the rental agent has not ruled out the use of the Continental Building by the partnership, the Board cannot agree that Milam & Lansman have demonstrated thereby the availability of the proposed antenna site for the intended purpose. In the opposition, itself, it is shown that the partnership does not now have an agreement or commitment for the proposed site and that such commitment requires the submission and approval of engineering plans relative to the partnership's anticipated construction.[3] Since Milam & Lansman have not submitted such plans and since the right to use the proposed site depends upon the approval of such plans by the management of the Continental Building, the Board is unable to find even reasonable assurance of the availability of the antenna site proposed by the partnership.

6. The Board's opinion, in this regard, does not mean that a binding arrangement is needed to demonstrate site availability. See Eastside Broadcasting Co., FCC 63R-528, 1 RR 2d 763 (1963). Commission requirements are satisfied when an applicant proposes a site with reasonable assurance in good faith that the site will be available for the intended purpose. Beacon Broadcasting System, Inc., FCC 61-684, 21 RR 727 (1961). Because of the extensive alterations which Milam & Lansman propose to make on the roof, together with the fact that approval of the plans is a prerequisite to the use of the roof, and since it is not clear that the roof of the Continental Building is available to Milam & Lansman, Milam and Lansman have not demonstrated satisfactorily that there is reasonable assurance of the approval of said construction, and an issue will therefore be added to determine the availability of the specified site for the use proposed. See Edina Corp., FCC 62R-82, 24 RR 455 (1962). The Board's disposition of the Bureau's motion does not, however, comprehend a determination of the suitability of the proposed antenna site and the Board notes the absence of any factual allegations concerning such a question.[4]

Accordingly, it is ordered, This 18th day of January 1965, That the motion to enlarge issues, filed December 7, 1964, by the Broadcast Bureau, is granted; and the issues in this proceeding are enlarged by the addition of the following: "To determine whether there is reasonable assurance that the antenna site proposed by Lorenzo W. Milam & Jeremy D. Lansman, A Partnership, is available for its proposed use."

Released: January 18, 1965.

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

[F.R. Doc. 65-740; Filed, Jan. 25, 1965; 8:46 a.m.]

[3] The Milam & Lansman proposal apparently anticipates either an increase in the height of the existing tower on the roof of the Continental Building or the erection of a separate tower to support its antenna, also located on the building's roof. In either case, the rental agent for the building denies the existence of any such initial authorization to the partnership or to anyone else.

[4] Since the basis of the Bureau's motion involves newly-discovered facts, the Board finds good cause for the delay in the filing of its motion under § 1.229(b) of the rules.

[Docket Nos. 15615, 15617; FCC 65M-67]

LORENZO W. MILAM ET AL.

Order Scheduling Hearing

In re applications of Lorenzo W. Milam & Jeremy D. Lansman, a partnership, St. Louis, Mo., Docket No. 15615, File No. BPH-4218; Christian Fundamental Church, St. Louis, Mo., Docket No. 15617, File No. BPH-4402; for construction permits.

The record in this proceeding was closed on December 17, 1964. By Memorandum Opinion and Order (FCC 65R-20) released January 18, 1965, the Review Board has enlarged the issues in this proceeding to include the following issue: "To determine whether there is reasonable assurance that the antenna site proposed by Lorenzo W. Milam & Jeremy D. Lansman, a partnership, is available for its proposed use."

In view of the action of the Review Board, it is deemed appropriate to reopen the record and to schedule a hearing conference in respect to the added issue.

Accordingly, it is ordered, This 19th day of January 1965, that the record in this proceeding be and the same is hereby reopened and that there will be a hearing conference respecting the added issue on January 26, 1965, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: January 19, 1965.

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

[F.R. Doc. 65-757; Filed, Jan. 25, 1965; 8:48 a.m.]

[Docket Nos. 15675, 15676; FCC 65 M-63]

WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

Order Continuing Prehearing Conference

In re applications of Western California Telephone Co., Docket No. 15675, File No. 4409-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Los Gatos, Calif.; The Pacific Telephone and Telegraph Co., Docket No. 15676, File No. 5774-C2-P-64, for a construction permit to modify the facilities of station KMA612 in the Domestic Public Land Mobile Radio Service at San Jose, Calif.

The Hearing Examiner having under consideration the January 13, 1965, telephone request of counsel for Western California Telephone Co. (confirmed by letter received January 15, 1965) that the prehearing conference herein be continued from January 21 to February 26, 1965;

It appearing, that the applicants are continuing negotiations in an attempt to settle the conflict of their applications without the necessity of a hearing; and

It further appearing, that counsel for The Pacific Telephone and Telegraph Co., by letter received January 15, 1965,

confirmed agreement to the continuance and that counsel for the Commission's Common Carrier Bureau does not oppose the request;

It is ordered, This 18th day of January 1965, that the subject telephone request is granted, and that the prehearing conference, presently scheduled for January 21, 1965, is continued to 9:00 a.m., February 26, 1965.

Released: January 18, 1965.

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

[F.R. Doc. 65-741; Filed, Jan. 25, 1965; 8:46 a.m.]

[Docket Nos. 15677, 15678; FCC 65M-64]

WESTERN CALIFORNIA TELEPHONE CO. AND PACIFIC TELEPHONE AND TELEGRAPH CO.

Order Continuing Prehearing Conference

In re applications of Western California Telephone Co., Docket No. 15677, File No. 4411-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Novato, Calif.; The Pacific Telephone and Telegraph Co., Docket No. 15678, File No. 5775-C2-P-64, for a construction permit to modify the facilities of station KMA745 in the Domestic Public Land Mobile Radio Service at San Francisco, Calif.

The Hearing Examiner having under consideration the January 13, 1965, telephone request of counsel for Western California Telephone Co. (confirmed by letter of the same date) that the prehearing conference herein be continued from January 21 to February 26, 1965;

It appearing, that the applicants are continuing negotiations in an attempt to settle the conflict of their applications without the necessity of a hearing; and

It further appearing, that counsel for The Pacific Telephone and Telegraph Co., by letter received January 15, 1965, confirmed agreement to the continuance and that counsel for the Commission's Common Carrier Bureau does not oppose the request;

It is ordered, This 18th day of January 1965, that the subject telephone request is granted, and that the prehearing conference, presently scheduled for January 21, 1965, is continued to 11:00 a.m., February 26, 1965.

Released: January 18, 1965.

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

[F.R. Doc. 65-742; Filed, Jan. 25, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

WILH. WILHELMSEN LINE JOINT SERVICE

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

John G. de Roos,
Barber Steamship Lines, Inc.,
17 Battery Place,
New York, N.Y.

Agreement 7589-5, between seven (7) Norwegian carriers under the management and control of Wilh. Wilhelmsen and operating under approved Agreement 7589, as amended, modifies the approved agreement of the joint service covering the trade to and from ports of the United States, including Hawaii, and various worldwide areas as set forth in the agreement. The purpose of the modification is to (1) include the entire Republic of India within the scope of the agreement and to delete the reference to Calcutta and Rangoon, and (2) change the name of "the Philippines" to "Republic of the Philippines", the present day designation of that country, in the description of the trading area of the agreement.

Dated: January 19, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-746; Filed, Jan. 25, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-212]

CITY OF DUNLAP, TENN.

Notice of Application

JANUARY 18, 1965.

Take notice that on January 12, 1965, the City of Dunlap, Tenn. (Applicant) filed in Docket No. CP65-212 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. to establish physical connection of its natural gas transmission facilities with the facilities proposed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in Whitwell, Duas, Powell's Crossroads, and Dunlap, Tenn., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	52,358	78,612	106,072
Peak day (Mcf)	873	1,296	1,718

The estimated cost of Applicant's proposed lateral line and distribution system is $598,000, and will be financed by the sale of natural gas revenue bonds to Southern Bond Company of Jackson, Miss.

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 February 15, 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 an order 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. 65-734; Filed, Jan. 25, 1965; 8:45 a.m.]

[Docket No. CP64-182]

COLORADO INTERSTATE GAS CO.

Notice of Application to Amend

JANUARY 18, 1965.

Take notice that on January 11, 1965, Colorado Interstate Gas Co. (Applicant), Colorado Springs, Colo., filed in Docket No. CP64-182 an application to amend the order of the Commission issued June 2, 1964, in said docket, which order authorized operation of existing facilities and exchange of natural gas between Applicant and Natural Gas Pipeline Co. of America (Natural) for the calendar year 1964. This exchange was to allow Applicant to deliver up to 10,000 Mcf of gas per day to Natural in return for like volumes which Natural agreed to deliver to Cabot Corp. (Cabot) for Applicant's account.

In the instant application, Applicant seeks amendment of the order issued June 2, 1964, in Docket No. CP64-182 by requesting an extension of the term of

the exchange for one year, through calendar year 1965.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 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 the amendment 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. 65-735; Filed, Jan. 25, 1965; 8:45 a.m.]

[Docket Nos. RI63-212; CP65-58]

JUPITER CORP. AND TENNESSEE GAS TRANSMISSION CO.

Notice of Further Extension of Time

JANUARY 18, 1965.

Upon consideration of the Motion for Continuance filed in the above-designated proceeding by the Jupiter Corp. on January 8, 1965;

Notice is hereby given that the time is extended to and including February 4, 1965 within which the Jupiter Corp. shall serve upon all participants the prepared testimony and exhibits constituting its direct case, and February 18, 1965 within which those intervenors who so desire may serve proposed testimony and exhibits upon all participants.

Further, notice is hereby given that the prehearing conference presently scheduled to commence in this matter on February 9, 1965 is postponed to February 23, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-736; Filed, Jan. 25, 1965; 8:46 a.m.]

[Docket No. CP65-208]

TRANSWESTERN PIPELINE CO.

Notice of Application

JANUARY 18, 1965.

Take notice that on January 11, 1965, Transwestern Pipeline Co. (Applicant), Houston, Tex., filed in Docket No. CP65-208 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 facilities and the exchange of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 9.3 miles of 20-inch pipeline together with appurtenant and related measuring facilities in Pecos County, Tex., for the purpose of enabling Applicant to exchange up to 70,000 Mcf of natural gas per day with Northern Natural Gas Co. (Northern).

The application states that the gas will be received by Applicant in the area of the Coyanosa Field and transported to a point of redelivery to Northern in Winkler County, Tex., where Applicant's 16-inch Keystone lateral crosses Northern's 16-inch Kermit line.

The estimated cost of Applicant's proposed facilities is $670,000, and will be financed with current 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) on or before February 15, 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. 65-737; Filed, Jan. 25, 1965; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

COMMERICAL BANCORP, INC.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of Commercial Bancorp, Inc., Miami, Fla., for permission to become a bank holding company by acquiring stock of three banks in Florida.

Whereas, by Order dated November 16, 1964, the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), approved the application of Commercial Bancorp, Inc., Miami, Fla., to become a bank holding company through the acquisition of a minimum of 80 percent of the voting shares of each of the following banks located in Florida: Commercial Bank of Miami, Miami; Merchants Bank of Miami, West Miami; and Bank of Kendall, Kendall; and

Whereas, said Order was made subject to the proviso that the acquisition approved "shall not be consummated * * * (b) later than three months after said date [of Order]"; and

Whereas, Commercial Bancorp, Inc., has applied to the Board for an extension of time within which the approved acquisition may be consummated, and it appearing to the Board that good cause has been shown for the additional time requested and that such extension would not be inconsistent with the public interest;

It is hereby ordered, That the Board's Order of November 16, 1964, be, and it hereby is, amended so that the proviso relating to the time by which Commercial Bancorp, Inc., shall consummate the approved acquisition of stock shall read: "provided that the acquisition so approved shall not be consummated * * * (b) later than May 16, 1965."

Dated at Washington, D.C., this 18th day of January 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-752; Filed, Jan. 25, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4250]

CENTRAL AND SOUTH WEST CORP.

Notice of Filing of Application-Declaration Regarding Intrasystem Issuances and Acquisitions of Short-Term Notes

JANUARY 19, 1965.

Notice is hereby given that Central and South West Corp. ("Central"), 902 Market Street, Wilmington, Del., 19899, a registered holding company, and four of its electric utility subsidiary companies, i.e., Central Power and Light Co. ("Central Power"), Public Service Co. of Oklahoma ("Oklahoma"), Southwestern Electric Power Co. ("Southwestern") and West Texas Utilities Co. ("West Texas"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") regarding certain proposals described below, and have designated sections 6, 7, 9, 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50(a)(3) as applicable to such transactions.

All interested persons are hereby referred to the application-declaration on file at the office of the Commission for a statement of the proposed transactions, which are summarized as follows:

Central proposes to lend, from time to time during 1965, to the four named subsidiary companies, or any one or more of them, such amounts as are requested but not in excess of the following amounts to each:

Central Power	$6,000,000
Oklahoma	6,000,000
Southwestern	3,000,000
West Texas	4,000,000

However, total loans hereunder by Central to these subsidiary companies will not exceed $8,000,000 at any one time outstanding.

Each loan will be evidenced by a promissory note or notes dated as of the dates the respective loans are made, will bear interest at 4 percent per annum, and will mature as to each of such subsidiary companies one year from the date of the initial loan thereto. The notes will be prepayable, in whole or in part at any time, without premium or penalty.

The funds from which Central will make the proposed loans will be treasury funds now invested in U.S. Treasury securities and other temporary investments. The subsidiary companies will use the proceeds of such loans for 1965 construction expenditures, estimated as follows:

Central Power	$13,224,000
Oklahoma	23,220,000
Southwestern	13,252,000
West Texas	13,283,000

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the aggregate estimated fees and expenses to be incurred in connection therewith amount to $1,200, of which $1,000 represents an allocation of counsel's annual retainer under agreements with Central and the borrowing companies.

Notice is further given that any interested person may, not later than February 11, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 distance from the point of mailing) upon the applicants-declarants at the above noted address; and proof of service thereof (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-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).

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

[F.R. Doc. 65-732; Filed, Jan. 25, 1965; 8:45 a.m.]

[File No. 24A-1733]

STUART PERLMAN ET AL.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JANUARY 19, 1965.

In the matter of Stuart Perlman, Clifford Perlman, Aetna Securities Corp., Offerors; Lum's, Inc., 1224 Normandy Drive, Miami Beach, Fla.; File No. 24A-1733.

I. Lum's, Inc. ("Issuer"), together with three selling stockholders, Stuart Perlman, Clifford Perlman and Aetna Securities Corp. (Offerors) filed on September 30, 1964, a notification, offering circular and other exhibits relating, as amended, to a proposed offering of 35,900 shares of its $0.10 par value Class A common stock at market price with a maximum aggregate offering price of $200,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was commenced on November 4, 1964, and according to a report on Form 2-A filed by the issuer and offerors, on December 21, 1964, as amended, the offering continued until December 3, 1964, at which time it was terminated with respect to 3,915 shares unsold on that date.

II. The Commission has reasonable cause to believe that:

A. The issuer and offerors have failed to meet the terms and conditions of Regulation A in that they did not file with the Commission sales literature used in connection with the offering of securities, as required by Rule 258. This material was widely disseminated and used in the offering and sale of the securities covered by the Regulation A filing.

B. A newspaper article based upon information supplied by the issuer and offerors and published during the course of the Regulation A offering contains false statements of material facts, omits to state material facts and contains a misleading presentation of facts. This article contains false statements of fact with respect to the issuer's recent rate of expansion and operating profits, and contains numerous projections relating to the issuer's expected future sales and expansion, failing to disclose that there were no factual bases on which such projections could be made. The article also contains a misleading statement with respect to the securities owned by the issuer's two principal officers and stockholders, omitting to state that at the time, they were engaged in a public distribution of a portion of such securities.

C. The underwriter for the offering employed manipulative and deceptive devices and contrivances prior to and during the course of the offering by the use of quotations designed to raise the market price of the stock of Lum's, Inc., in that on various dates between August 28, 1964 and December 9, 1964, quotations for the issuer's securities were published by the underwriter in the National Daily Quotation Sheets at bid prices rising from 1⅞ to 9. While the offering was in progress, these bid prices were raised by the underwriter in violation of Rule 10b-6 of the General Rules and Regulations under the Securities Exchange Act of 1934. The offering circular contains no disclosure with respect to these increased bids by the underwriter or their effect on the market.

D. The acts, practices, transactions and courses of business, described in paragraphs B and C, engaged in by the issuer, offerors and underwriter to induce the purchase of stock of Lum operated as a fraud and deceit upon purchasers in violation of section 17(a) of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

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

[F.R. Doc. 65-733; Filed, Jan. 25, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 21, 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. 39527: *Petroleum and petroleum products from Debbie, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8674), for interested rail carriers. Rates on petroleum and petroleum products, including liquefied petroleum gas, in carloads and tank carloads, from Debbie, Tex., to points in official (including Illinois), southern, southwestern and western trunk-line territories.

Grounds for relief: Market competition.

Tariffs: Supplement 124 to Southwestern Freight Bureau, agent, tariff I.C.C. 4410 and 5 other schedules named in the application.

By the Commission.

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

[F.R. Doc. 65-749; Filed, Jan. 25, 1965; 8:47 a.m.]

[Notice 114]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 21, 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 67201. By order of January 15, 1965, the Transfer Board approved the transfer to Valorus Mills, doing business as Mills Film Transfer, Lincoln, Nebr., of certificates in Nos. MC 47417, and MC 47417 Sub 2, and the certificate of registration in No. MC 47417 Sub 4, issued May 11, 1949, March 9, 1957, and January 7, 1964, respectively, to Glenn E. Mills, doing business as Mills Film Transfer, Lincoln, Nebr., authorizing the transportation of: Motion picture films, advertising matter and accessories, newspapers, and express packages, from, to, or between specified points in Nebraska. Robert E. Powell, 1005-06 Terminal Building, Lincoln, Nebr., attorney for applicants.

No. MC-FC 67370. By order of January 15, 1965, the Transfer Board approved the transfer to Hopkins Motor Coach, Inc., 415 West Loockerman Street, Dover, Del., the operating rights in Certificate No. MC 48315, issued July 8, 1955, to Eugene C. Hopkins, 415 West Loockerman Street, Dover, Del., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, over irregular routes, from Dover, Del., and points in Delaware within 5 miles of Dover, to the District of Columbia and points in Pennsylvania, New Jersey and Maryland, within 150 miles of Dover.

No. MC-FC 67396. By order of January 15, 1965, the Transfer Board approved the transfer to Salter Bus Lines, Inc., Jonesboro, La., of the operating rights claimed in Nos. MC 99049 and MC 99049 Sub. 1 under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act by Philodean Salter Byrd, doing business as Salter Bus Lines, Jonesboro, La., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Louisiana Public Service Commission in Nos. 458 and 458-A (corrected). David T. Caldwell, Post Office Drawer 666, Jonesboro, La., attorney for applicants.

No. MC-FC 67477. By order of January 15, 1965, the Transfer Board approved the transfer to Darrell Caldwell Lumber Trans., Ltd., Florenceville, New Brunswick, Canada, of the operating rights issued by the Commission November 6, 1959, to Darrell K. Caldwell, Florenceville, New Brunswick, Canada, authorizing the transportation, over irregular routes, of lumber, from ports of entry on the United States-Canada boundary line, at or near Bridgewater and Houlton, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, and Connecticut. Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., attorney for applicants.

No. MC-FC 67483. By order of January 15, 1965, the Transfer Board approved the transfer to Art Walker, doing business as Colorado Springs-Limon Transportation Company, Limon, Colo., applicant in No. MC 120425 Sub 1, BOR-99 filed in the name of Dale Glover, doing business as Colorado Springs-Limon Transportation Company, Limon, Colo., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by Colorado Public Utilities Commission Certificate No. 1678 and No. 1678-I, authorizing the transportation of passenger and express service, passengers, baggage and express, passengers, on call and demand, in charter service, and not on schedule, and passengers, from, to and between specified points and areas. J. Albert Sebald, 730 Equitable Building, Denver, Colo., 80202, attorney for applicants.

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

[F.R. Doc. 65-750; Filed, Jan. 25, 1965; 8:48 a.m.]

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