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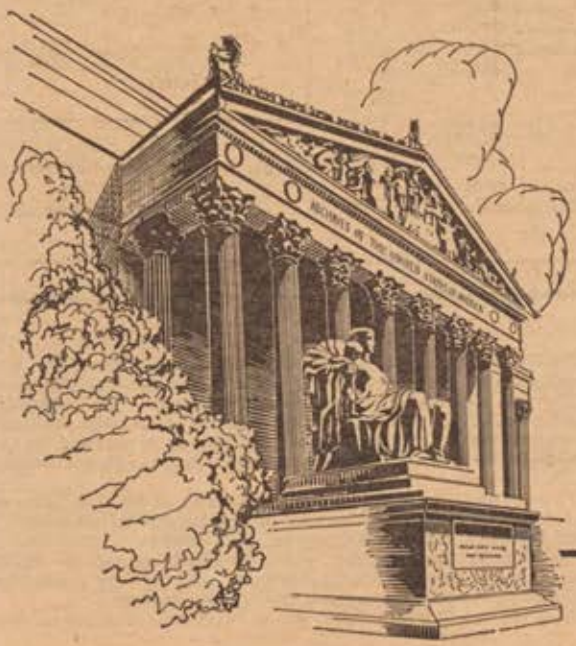

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List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

Rules and Regulations

Title 47—TELECOMMUNICATION

[FCC 65-455]

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Policy Statement Concerning the Height of Radio and Television Antenna Towers

JUNE 1, 1965.

Considerable concern has recently been evidenced over the steady trend to taller and taller television and FM radio antenna towers, and the impact of this trend on the safety of air navigation. This concern is illustrated by the fact that in 1955 congressional hearings were held on a resolution (H.J. Res. 138, 84th Cong.) designed, in effect, to halt the proliferation of antenna towers with heights of more than 1,000 feet above ground. Today there is under consideration a virtually identical resolution (H.J. Res. 261, 89th Cong.) except that it is now concerned with towers over 2,000 feet. We note also that there is now pending before Congress a bill which would prohibit the Commission from accepting for filing any application proposing an antenna more than 2,000 feet above ground (H.R. 7428, 89th Cong.).

Antenna towers of adequate height are necessary to attain maximum use of radio in the public interest. However, it is essential that use of such towers be compatible with the requirements of public safety in air transportation.

The Commission believes that the public interest in both broadcast service and air safety can and must be accommodated. Over the years, this goal has been substantially accomplished through close cooperation between the Commission and the Federal Aviation Agency and its predecessor agencies, and we are confident that continuing joint efforts will bring the goal closer to full realization. For example, we have today issued a notice of proposed rule making (Docket No. 16030) looking toward the adoption of procedures for the establishment of antenna farm areas. Such areas are designed to group, insofar as possible and consistent with the public interest, antenna towers of broadcast stations serving the same community.

In addition to the steps already being taken, we believe special consideration should be given to the question of antenna tower heights. The needs of the television and FM radio services for antenna towers of adequate height, particularly with respect to the growing number of UHF television stations, can and should be realized within the limits of a realistic general height limitation on antenna towers.

We have concluded that this objective can best be achieved by adopting the following policy: Applications for antenna towers higher than 2,000 feet above ground will be presumed to be inconsistent with the public interest, and the applicant will have a burden of overcoming that strong presumption. The applicant must accompany its application with a detailed showing directed to meeting this burden. Only in the exceptional case, where the Commission concludes that a clear and compelling showing has been made that there are public interest reasons requiring a tower higher than 2,000 feet above ground, and after the parties have complied with applicable FAA procedures, and full Commission coordination with FAA on the question of menace to air navigation, will a grant be made. Applicants and parties in interest will, of course, be afforded their statutory hearing rights.

Adoption of this policy should result in several benefits. First, it should effectively arrest the steady increase in the height of towers, an increase which has not been controlled by a strictly case-by-case consideration of antenna tower applications. Second, spelling out the Commission's policy should assist prospective applicants in making realistic antenna tower plans, thus hopefully avoiding many lengthy and costly administrative proceedings before both the Federal Aviation Agency and the Commission. Finally, the policy provides sufficient flexibility, by recognizing that there may be compelling public interest reasons in an exceptional case for an antenna tower higher than 2,000 feet above ground.

We recognize that there are arguments against any specific ceiling on antenna heights. An antenna tower of any height may constitute a menace to air navigation, depending on its proximity to airports and busy airways as well as other factors. However, the public interest in broadcast service may in some instances call for an antenna tower higher than any particular maximum imposed. We are nevertheless convinced that the public interest requires a specific ceiling to halt the upward trend in antenna tower heights, and that 2,000 feet above ground is both realistic and appropriate.

We believe that, in general, antenna heights over 2,000 feet are not necessary to provide adequate broadcast service. In this connection, we note that our rules have long provided that any television broadcast station with an antenna exceeding 2,000 feet above average terrain must operate with less than maximum power.[1] Moreover, there is currently but one antenna tower over 2,000 feet above ground which is in operation, and construction permits are outstanding for only two additional such towers. Thus, the 2,000 feet height accords, in general, with the current maximum antenna tower height, and minimizes any question of competitive advantage resulting from higher towers already authorized.

We wish to emphasize that the policy we are adopting is applicable solely to towers over 2,000 feet above ground. It indicates no intention to grant all applications proposing towers of less than 2,000 feet above ground. Such applications will continue to be examined on a case-by-case basic in accordance with established procedures and criteria to determine whether a proposed tower constitutes a menace to air navigation.

The Commission has coordinated this public notice with the Federal Aviation Agency, and that agency is in full accord with its issuance.

Adopted: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5893; Filed, June 4, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 67]

PARTS 71-79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

As a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held at Washington, D.C. on the 25th day of May 1965.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 67, dated March 26, 1965, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL

[1] Television broadcast stations in Zone I on Channels 2-13 must use less than maximum power if they employ antennas exceeding 1,000 feet above average terrain.

[2] Commissioner Hyde absent.

REGISTER on April 10, 1965 (30 F.R. 4681), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 67 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 67, dated March 26, 1965, as revised by the specific deletion set forth as follows:

In § 73.300 delete the proposed amendment of paragraph (g).

It is further ordered, That this order shall become effective August 22, 1965, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice 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 a copy thereof with the Director, Office of the Federal Register.

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

[SEAL] BERTHA F. ARMES,
Acting Secretary.

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

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

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

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

PART 73—SHIPPERS

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

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

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

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

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

* * * * *

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

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

* * * * *

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

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

* * * * *

(m) * * *

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

* * * * *

Subpart C—Flammable Liquids; Definition and Preparation

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

§ 73.115 Flammable liquids; definitions.

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

* * * * *

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

§ 73.116 Outage.

* * * * *

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

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

* * * * *

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

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

* * * * *

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

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

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

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

§ 73.144 **Inks.**

* * * * *

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

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

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

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

(a) * * *

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

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

§ 73.204 **Sodium hydrosulfite.**

(a) * * *

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

* * * * *

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

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

(a) * * *

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

* * * * *

(c) * * *

(4) [Cancelled]

* * * * *

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

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

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

* * * * *

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

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

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

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

§ 73.256 **Compounds, cleaning, liquid.**

(a) * * *

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

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

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

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

* * * * *

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

* * * * *

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

* * * * *

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

§ 73.281 Benzyl bromide (bromotoluene, alpha).

(a) * * *

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

Subpart F—Compressed Gases; Definition and Preparation

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

§ 73.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *

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

* * * * *

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

* * * * *

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

§ 73.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

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

* * * * *

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

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

(a) * * *

(1) * * *

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

* * * * *

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

(No change in remainder of Note 11.)

* * * * *

Subpart G—Poisonous Articles; Definition and Preparation

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

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *

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

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

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

* * * * *

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

* * * * *

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

§ 73.364 Exemptions for poisonous solids, class B.

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

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

* * * * *

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

§ 73.365 Poisonous solids not specifically provided for.

(a) * * *

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

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

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

* * * * *

(b) * * *

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

* * * * *

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

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

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

* * * * *

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

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

* * * * *

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

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

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

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

§ 73.395 Cleaning cars and vehicles.

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

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

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

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

§ 73.402 Labeling dangerous articles.

(a) * * *

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

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

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

§ 74.502 Forbidden explosives.

(a) * * *

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

* * * * *

Subpart D—Unloading From Cars

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

§ 74.566 Cleaning cars.

* * * * *

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

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

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

Subpart D—Vehicles and Shipments in Transit; Accidents

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

§ 77.860 Accidents; poisons.

* * * * *

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

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

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

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

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

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

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

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

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

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

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

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

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

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

where:
S=tensile stress—p.s.i.;

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

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

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

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

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

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

§ 78.36–20 Marking.

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

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

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

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

ICC–3A1800
1234
XY

ICC–3A1800–1234–XY

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

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

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

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

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

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

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

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

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

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

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

where:
S=tensile stress—p.s.i.;

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

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

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

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

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

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

§ 78.37–20 Marking.

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

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

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

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

ICC–3AA1800
1234
XY

ICC–3AA1800–1234–XY

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

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

§ 78.42 Specification 3E; seamless steel cylinders.

§ 78.42–11 Hydrostatic test.

(a) * * *

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

(No change in footnote 1.)

(No change in footnotes 1 and 2.)

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

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

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

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–9 Closures.

* * * * *

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

(No change in Note 1.)

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

* * * * *

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

§ 78.115 Specification 17C; steel drums.

§ 78.115–8 Closures.

* * * * *

(c) * * *

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

* * * * *

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

§ 78.118 Specification 17H; steel drums.

§ 78.118–8 Closures.

* * * * *

(c) * * *

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

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

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

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–14 Flap closures.

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

* * * * *

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

* * * * *

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

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

§ 78.211–3 Design limitations.

(a) * * *

(1) * * *

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

* * * * *

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

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

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

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238–3 Construction.

(a) * * *

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

PART 79—SPECIFICATIONS FOR TANK CARS

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

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

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

[F.R. Doc. 65–5835; Filed, June 4, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3104 is amended to show the exception under Schedule A of one additional Review Appraiser position; two additional Realty Specialist positions; and five additional Realty Assistant positions for the duration of the Chamizal Project. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (c) of § 213.3104 is amended as set out below.

§ 213.3104 Department of State.

* * * * *

(c) *International Boundary and Water Commission, United States and Mexico.* * * *

(2) Not to exceed 27 Realty Officers, Appraisers, Negotiators, Specialists, and Assistants, GS–5 through 14. Not to exceed five Interviewers (Interpreter), GS–5 through 11. Appointment under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

* * * * *

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

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

[F.R. Doc. 65–5868; Filed, June 4, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132 is amended by the addition of a new paragraph to show the exception under Schedule A of temporary positions involving the making and administering of loans in a disaster area identified by the President or the Secretary of Agriculture. To bring the section up to date and to reflect the general coverage of the new exception, four specific exceptions approved earlier are revoked. Effective when published in the FEDERAL REGISTER, paragraphs (a), (b), (c), and (d) of § 213.3132 are revoked, and paragraph (e) is added as set out below.

§ 213.3132 Small Business Administration.

* * * * *

(e) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration

of the disaster. Original appointments may not exceed 6 months, and no employee appointed under this exception may work in any one disaster area for more than 6 months without prior approval of the Commission.

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

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

[F.R. Doc. 65-5867; Filed, June 4, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3277 is added to show the exception under Schedule B until August 1, 1966, of technical positions above the clerical level engaged in carrying out the Equal Employment Opportunity Commission's substantive program under Title VII of the Civil Rights Act. Effective on publication in the FEDERAL REGISTER, § 213.3277 is added as set out below.

§ 213.3277 Equal Employment Opportunity Commission.

(a) Until August 1, 1966, technical positions above the clerical level engaged in the substantive program of the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

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

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

[F.R. Doc. 65-5877; Filed, June 4, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that the position of Director of Public Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (l) of § 213.3354 is revoked.

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

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

[F.R. Doc. 65-5866; Filed, June 4, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 16—MILK INDEMNITY PAYMENT PROGRAM

Subpart—Regulations Governing Milk Indemnity Payments

DEFINITIONS AND APPLICATION FOR PAYMENT

The regulations issued by the Department of Agriculture, which set forth the terms and conditions under which the indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content, 29 F.R. 14837; 30 F.R. 251, are amended, as follows:

1. Section 16.2 (h) and (j) is amended to read as follows:

§ 16.2 Definitions.

* * * * *

(h) "Eligible farmer" means a person who produces milk which is removed from the commercial market anytime from January 1, 1964, through June 30, 1965, pursuant to direction of a public agency or a milk handler because of detection of pesticide residue in such milk by tests made by a public agency or under a milk testing program deemed adequate for the purpose by a public agency.

* * * * *

(j) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1964, and ending not later than June 30, 1965, during which an eligible farmer's milk is removed from the commercial market pursuant to direction of a public agency or milk handler for reason specified in paragraph (h) of this section.

* * * * *

2. Section 16.8 is amended to read as follows:

§ 16.8 Application for payment.

Application for payment shall be made, on a form prescribed therefor by the Deputy Administrator, by the eligible farmer or his legal representative, as set forth in § 16.12, who must sign and file the form with ASCS county office for the county where the farm headquarters are located no later than August 31, 1965. However, applications may be accepted after such date if the State Committee determines that the eligible dairy farmer was prevented from filing by such date because of illness, or other reasons beyond his control. Applications for payment shall cover application periods of at least 28 days, except that, if the entire application period or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period.

(Sec. 331, Economic Opportunity Act of 1964; 78 Stat. 525)

Effective date. Date of publication.

Signed at Washington, D.C., on May 28, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-5870; Filed, June 4, 1965; 8:46 a.m.]

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

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart E—Cotton Fiber and Processing Tests

REVISION IN MICRONAIRE READING FEES

Statement of considerations leading to amendment. The purposes of these amendments to the Regulations for Cotton Fiber and Processing Tests are to: (1) Reduce the fee from 6 cents to 5 cents per sample for micronaire readings on samples submitted for Smith-Doxey classification under approved applications; (2) reduce the fee from 10 cents to 8 cents per sample for micronaire readings on samples (all samples in a lot) submitted for classification pursuant to the Regulations under the U.S. Cotton Standards Act, including samples for Commodity Credit Corporation sales programs; and (3) to change the agency name given in these regulations from Agricultural Marketing Service to Consumer and Marketing Service.

These reductions in fees have been made possible by the increased volume of micronaire readings being made on a fee basis and more efficient operation of micronaire reading equipment.

Pursuant to authority contained in section 3c of the Cotton Statistics and Estimate Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c) the Regulations for Cotton Fiber and Processing Tests are amended as follows:

1. In paragraphs (b), (c), and (d) of § 28.950, the name "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

2. Items 36 and 37 of § 28.956 are deleted and the following substituted therefor:

36. Micronaire (mike) readings on cotton samples submitted for classification pursuant to §§ 28.901–28.917. These mike readings will be made available upon written application from the manager or other officer of the cotton gin which gins the cotton or from other sampling agents authorized to sample cotton pursuant to § 28.906. Such applications will provide that a mike reading will be made on each sample submitted for classification and that the applicant will be responsible for the payment of the test fee. Application forms for this service will be furnished by the Cotton Division.

Per sample..... $0.05

37. Micronaire (mike) readings on all samples included in a lot of cotton samples submitted for classification pursuant to §§ 28.1–28.126, including samples submitted

for reclassification pursuant to CCC sales programs.

Per sample..... $0.08

3. In the last sentence of § 28.959, the name "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

These amendments concern matters of agency organization and the revision of fees for micronaire readings. The revision of such fees depends upon facts within the knowledge of the Consumer and Marketing Service. The reduced fees require no preparation on the part of users of the service and it will benefit such users for the reduced fees to be effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (8 U.S.C. 1003), it is found upon good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective on June 15, 1965.

Dated: June 1, 1965.

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

[F.R. Doc. 65-5869; Filed, June 4, 1965; 8:46 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Sec.

AUTHORITY: The provisions of this Part 718 issued under secs. 301, 313, 314, 317, 334, 335, 353, 354, 355, 358, 374, 375, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 53, as amended, 54, as amended, 57, as amended, 58, as amended, 61, as amended, 65, as amended, 66, as amended, 55 Stat. 88, as amended, secs. 101, 105(c), 401, 63 Stat. 1051, as amended, 1054, as amended, 75 Stat. 6, as amended, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198, secs. 16(e), 16(g), 76 Stat. 606, 612, 79 Stat. 66, 7 U.S.C. 1301, 1313, 1314, 1317, 1335, 1344, 1345, 1353, 1354, 1355, 1358, 1374, 1375, 1441, 1441 note, 1421, 1153, 1812, 16 U.S.C. 590(p).

§ 718.1 Basis, purpose, and applicability.

(a) *Basis and purpose.* The regulations set forth in this part are reissued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), the Food and Agriculture Act of 1962 (Public Law 87-703, approved September 27, 1962, and Public Law 87-801, approved October 11, 1962), the Feed Grain Act of 1963 (Public Law 88-26, approved May 20, 1963), and the Agricultural Act of 1964 (Public Law 88-297, approved April 11, 1964), for the purpose of prescribing the provisions governing the determination of acreages and compliance under the marketing quota, acreage allotment, sugar, soil bank, wheat diversion, feed grain, and related program administered by the Agricultural Stabilization and Conservation Service. This reissuance includes existing regulations (28 F.R. 8117, 10899, 14309, 29 F.R. 5273, 7311, 7863, 12507, 30 F.R. 1281), and prescribes changes and additions required to implement the Agricultural Act of 1964. This reissuance also sets forth the provisions for determining acreages for wheat, feed grains, and sugar crops by certification of the farm operator in lieu of a farm visit to measure such acreages in certain experimental counties. The counties which were selected to participate in this experiment were approved by the Deputy Administrator, based on recommendations of the State committee after due consideration to the age and condition of aerial photography, extent of change in topographic features since the current photography was flown, and the number of official acreages which are available.

(b) *Applicability.* This part shall apply to the determination of acreage and compliance for 1965 and subsequent years.

§ 718.2 Definitions.

As used in this Part 718, and in all instructions, forms and documents issued in connection therewith, the words and phrases defined in this section shall have the meanings assigned to them unless the text or subject matter otherwise requires.

(a) The term, words, or phrases "allotment," "committees," "county," "county office manager," "cropland," "department," "deputy administrator," "farm," "farm number," "operator," "person," "producer," "reconstitution," "representative of the State committee," "secretary," "soil bank contract," and "State executive director" shall have the same meanings as are assigned to them in Part 719 of this chapter (29 F.R. 13370), or as may be hereafter amended.

(b) "Allotment crop" means any crop for which an acreage allotment or proportionate share is established pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, as amended, or the Sugar Act of 1948, as amended.

(c) "County compliance supervisor" means the person delegated responsibility for the day-to-day field operators in connection with the compliance work in the county.

(d) "Cutout" means a portion of a photograph showing one farm or a part of a farm.

(e) "Director" means the Director, or Acting Director, Farmer Programs Division.

(f) "Field" means a part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, farm boundaries, woodlines, or other similar features.

(g) "Normal row width" means the distance between rows of crops in the field provided such distance is 4 links or more.

(h) "Reporter" means the person employed by the county office manager to secure the necessary information and measurements to determine the acreage of crops for which measurements are required.

(i) "Sketch" means an approximate map of a farm, field, or other area drawn from observations.

(j) "State compliance specialist" means the person responsible for operations of the compliance work in the State.

(k) "State supervisor" means a person employed to assist the State compliance specialist in carrying out the compliance work in the State.

(l) "Subdivision" means a part of a field which is separated from the balance of the field by a temporary boundary such as a cropline, other boundary which could be easily moved or which could disappear.

§ 718.3 Functions of county committee, State committee, Director, and Deputy Administrator.

The county committee shall provide for the determination of compliance under the regulations of this part. The State committee, through the State executive director, shall be responsible for furnishing guidance and direction as necessary to insure uniform understanding and application of the provisions of the regulations in this part. The Director shall direct the preparation of operating procedures and forms necessary for applying the regulations in this part. The forms and procedures so prepared shall be approved and issued by the Deputy Administrator.

§ 718.4 Identification of farms (excluding sugar).

All records pertaining to the measurement and determination of acreages for purposes of this Part 718 shall be identified by the farm number assigned to the land area pursuant to Part 719 of this chapter.

§ 718.5 Determination of crop and land use acreages.

(a) *Use of aerial photographs.* Aerial photographs shall be used for acreage determinations when available and where practical.

(b) *Use of ground measurements.* Acreage determinations shall be made by ground measurements when aerial photo-

graphs are not available, or where their use is not practical.

(c) *Official acreages.* Acreages determined in previous years for any area delineated by a reporter in the field on photography currently in use may be recognized as the official acreage for the area as delineated. The acreage determined for any area designated under the conservation reserve program shall be considered as official for the period of the contract and the period of extended protection pursuant to Public Laws 86–793 and 87–703 irrespective of the use of new photography for other acreage determinations on the farm, unless the boundaries of the designated area are changed or the original acreage determination is found to be in error.

(d) *Reliance on previously determined acreage.* If a producer proves to the satisfaction of the county committee that for planting and program purposes he has relied in good faith on an acreage for an identical area previously determined and recorded by ASCS personnel and the acreage for such area is found to be incorrect, the acreage on which he relied shall stand for that program year.

(e) *Acreage devoted to a crop or land use*—(1) *General.* The acreage of a crop or land use shall be the acreage devoted to the crop or land use except as otherwise provided in subparagraphs (2), (3), and (4) of this paragraph (e) and paragraphs (f) and (g) of this section. In determining the acreage of any row crop, measurements shall extend beyond the planted area to a point equal to one-half the distance between the rows or 2 links, whichever is larger. Deviations from prescribed width requirements which are attributable to variations which are normal to the operation of mechanical equipment shall not serve to disqualify a planting pattern or a deductible strip.

(2) *Row crops other than tobacco and peanuts*—(i) *Alternate rows with row widths less than 4 links.* When the row crop being measured is planted in alternate rows with a different row crop and the distance between the rows of the crops is less than 4 links, the entire area shall be considered as devoted to that crop.

(ii) *Alternate rows with row width 4 links through 8 links.* When the crop being measured is planted in alternate rows with a different row crop and the distance between the rows of crops is at least 4 links but not more than 8 links, each crop shall be considered as occupying one-half of the area except that when the alternating crop does not have a season of growth substantially the same as the crop being measured or is not cared for in a workmanlike manner, the entire area shall be considered as devoted to the crop being measured.

(iii) *Wide rows (excluding crops for which a row width greater than 8 links is normal).* When the row crop (other than tobacco) being measured is planted in unusually wide rows or in alternate rows with a different crop and the distance between the rows of the crops is greater than 8 links, each row of the crop being measured shall be considered as 8 links and only that portion of the area shall be considered as devoted to the crop being measured.

(3) *Tobacco*—(i) *Flue Cured and Fire Cured (Type 21)*—(*a*) *Less than four rows.* When tobacco is planted in strips of less than four rows (including one row plantings) with alternating strips of idle or fallow land or another crop, the acreage shall be determined as follows:

(*1*) The entire area shall be considered as devoted to tobacco if the distance between the strips or rows of tobacco (measured from plant to plant) is not greater than 8 links.

(2) Measurements shall extend 4 links beyond the planted area on each side of the strips or rows of tobacco if the distance between the strips or rows of tobacco is greater than 8 links.

(*b*) *Four rows or more.* Where tobacco is planted in strips of 4 rows or more, measurements shall extend beyond the planted area of each strip to a point equal to one-half the distance between the rows of tobacco or 2 links, whichever is greater. Measurement under this provision shall include strips of less than four rows of tobacco on the sides of the field provided there are at least two rows on one side.

(ii) *All other types of tobacco.* Where tobacco is planted in a skip-row pattern with idle or fallow land or another crop, the entire area shall be considered as devoted to tobacco unless the strips planted to tobacco contain four or more rows and the strips of idle or fallow land or other crop are at least four normal rows in width, except, that one strip on one side of the field may contain less than four rows. If the strips of tobacco and strips of idle or fallow land or other crop conform to at least the four row requirement, only the area actually devoted to tobacco shall be considered as the acreage of tobacco.

(4) *Peanuts*—(i) *Intertilled planting.* When peanuts are planted in alternate rows or in strips of two or more rows with another allotment row crop or a competitive row crop, the acreage shall be considered as intertilled. A "competitive crop" is a crop which is planted at approximately the same time in alternate rows or strips with another row crop both of which will mature at approximately the same time and will compete equally for air, sunlight, moisture, and plant food during the entire growing season. Acreages shall be determined as follows:

(*a*) *Alternate rows*—(*1*) *Normal rows.* If the distance between the rows of the crops is not less than the normal row width for peanuts, only the land actually devoted to peanuts shall be considered as planted to peanuts.

(*2*) *Less than normal rows.* If the distance between the rows of the crops is less than the normal row widths for peanuts, the entire intertilled area shall be considered as planted to peanuts.

(*b*) *Alternate strips*—(*1*) *Less than one normal row.* If the distance between the strips of peanuts is less than one normal row width, the entire area shall be considered as planted to peanuts.

(*2*) *Less than four normal rows.* If the distance between the strips of peanuts is as wide as one but less than four normal rows of peanuts, the acreage of peanuts shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(3) *Four normal rows or more.* If the distance between the strips of peanuts is at least as wide as four normal rows of peanuts, only the area occupied by the peanuts shall be considered as planted to peanuts.

(ii) *Fallow-stripped planting.* When peanuts are planted in alternate rows or strips with noncompetitive crops or in alternate rows or strips with idle land or fallow land, the acreage shall be considered as fallow-stripped. A "noncompetitive crop" is a crop planted in alternate rows or strips with another crop which does not compete equally for air, sunlight, moisture, and plant foods during the entire growing season because of later planting or earlier maturity. Acreages shall be determined as follows:

(*a*) *Less than four normal rows.* If the strips of idle land, fallow land, noncompetitive crops, or a combination therof are not as wide as four normal rows of peanuts, the entire area shall be considered as planted to peanuts.

(*b*) *Four normal rows or more.* If the strips of idle land, fallow land, noncompetitive crops, or a combination thereof are at least as wide as four normal rows of peanuts, only the land actually occupied by the peanuts shall be considered as planted to peanuts. Individual strips which are not as wide as four normal rows shall be considered as planted to peanuts.

(f) *Deductions.* In determining initial acreage of any field or subdivision, any continuous area which is not devoted to the crop or land use being measured is eligible for deduction if it meets the minimum area and width requirements prescribed in this paragraph (f) or as increased under the provisions of § 718.15, whichever is applicable. Notwithstanding the provisions of this subparagraph (f), any area which is not considered as devoted to the crop or land use under the provisions of paragraph (e) (2), (3), and (4) of this section is eligible for deduction.

(1) *Minimum area requirements*—(i) *Sugar crops in Puerto Rico, Virgin Islands, and Hawaii.* Three-hundredths (0.03) acre.

(ii) *Tobacco.* Three-hundredths (0.03) acre except that a minimum of one-hundredth (0.01) acre will apply to turn rows and to noncropland areas which could not be planted to tobacco. Terraces, permanent irrigation, and drainage ditches, and sod waterways which meet the minimum width requirements of subparagraph (2) of this paragraph (f) may be combined to meet the 0.03-acre minimum area requirement.

(iii) *All other crops and land uses.* One-tenth (0.1) acre. Terraces, permanent irrigation, and drainage ditches, and sod waterways which meet the minimum width requirements of subparagraph (2) of this paragraph (f) and contain 0.1 acre or more may be combined to meet the minimum area requirement in those States which have increased the minimum area for deduction under § 718.15.

(2) *Minimum width requirements.* Four links.

(g) *Adjustment credit*—(1) *General.* Any area which is not eligible for deduction under the provisions of paragraph (f) of this section is not eligible for adjustment credit except that areas ineligible because of size may be enlarged to meet the minimum adjustment requirements. Otherwise, adjustment credit may be permitted as provided in subparagraph (2) of this paragraph (g) subject to such further limitations as may be imposed under § 718.15.

(2) *Crops and land uses.* Adjustment credit shall be given for any area in which the crop or land use is adjusted in accordance with program provisions, provided the area is 4 links or more in width and contains at least one-tenth (0.1) acre for crops other than tobacco and at least three-hundredths (0.03) acre for tobacco. If a crop is disposed of in an alternating pattern where single rows of the crop are left standing within the adjusted area, adjustment credit shall not exceed the acreage reduction obtained by recomputing the standing crop acreage of the adjusted area under the rules governing initial acreage determinations. Notwithstanding the area and width requirements otherwise prescribed in this paragraph (g) adjustment of an entire field or subdivision will be allowed. Also an area smaller than the minimum area requirement will be allowed if such area constitutes the total excess or deficient acreage of the crop or land use for the farm or is the remaining area required for adjustment after adjusting entire fields or subdivisions.

(h) *Measurement services*—(1) *Staking and referencing*—(i) *Cotton.* The county committee shall provide a staking and referencing service for cotton when the farm operator requests such service and pays the cost. Rates to be charged shall be recommended by the county committee and approved by the State committee. The staking and referencing shall be performed prior to the beginning of the regular compliance check on the farm. The acreage staked and referenced shall not exceed the farm cotton allotment. If the entire farm allotment is staked and referenced and all the cotton on the farm is within the staked area, the farm shall be considered to be in compliance with the farm acreage allotment.

(ii) *Other crops and land uses.* A staking and referencing service may be made available for other crops and land uses subject to the same conditions as are applicable under subdivision (i) of this subparagraph (1).

(2) *Other measurement services.* Other types of measurement service may be made available for any ASCS program purpose when the operator requests the service and pays the cost as recommended by the county committee and approved by the State committee. Any acreage measured under this provision will be considered as official acreage. Compliance with the allotments, the permitted acreage or the acreage limitation for any other program shall not be guaranteed unless staking and referencing is requested and performed for the entire program acreage limitation under the provisions of subparagraph (1) of this paragraph (h).

(i) *Unusual cases.* Notwithstanding the provisions of this § 718.5, if the State committee is unable to make an equitable determination of acreage under such provisions, the Deputy Administrator shall determine the method to be used in determining such acreage in the following cases:

(1) *Reliance on erroneous advice.* The farm operator has acted in good faith in reliance upon advice, not in accordance with the provisions of this § 718.5, given by a representative of the county or State Agricultural Stabilization and Conservation Committee authorized to furnish information concerning the determination of acreage.

(2) *Practices which defeat program intent.* The method of planting the crop or method of adjusting the crop or land use acreage has the effect of defeating program provisions or is contrary to the intent of such provisions.

§ 718.6 Equipment and materials.

Equipment and materials to be used by reporters in making measurements and recording acreage data shall be prescribed by the Deputy Administrator. Any basic equipment and materials not so prescribed shall not be used.

§ 718.7 Farm inspection and determination of compliance.

(a) *General.* Each farm for which an acreage limitation for a program or an allotment for a crop subject to marketing quotas has been established and any other farm on which there is reason to believe an allotment crop subject to marketing quotas has been planted or will be harvested shall be visited for the purpose of obtaining a report of acreage. This report of acreage shall be obtained by a reporter or other authorized employee of the Department who shall enter on the farm if such entry will facilitate measurement or ascertainment of the acreage of the crop or land use for which a report is required. If requested to do so by any producer interested in the farm, the reporter shall present a written certification from the county office manager authorizing him to secure measurements and other compliance data applicable to that farm. The farm operator, his representative, or a producer on the farm shall be responsible for designating all fields and crops on the farm for which inspection or measurement is required and for assisting the reporter in required measurements.

(b) *Refusal to permit measurement.* If a farm operator refuses to permit acreage measurements for any crop or program for which measurements are required, the county office manager shall immediately notify the farm operator in writing that (1) unless the acreage is measured he will be denied program benefits, and no marketing card will be issued for the farm in the case of cotton or rice, and a 100 percent excess penalty card will be issued for the farm in the case of peanuts or tobacco (except flue-cured tobacco), and in the case of flue-cured tobacco no marketing card showing the tobacco is eligible for price support will be issued if marketing quotas on an acreage-poundage basis are in effect, and (2) he will have 14 days from the date of the written notice to notify the county office he is willing to permit measurement and to pay the cost of making such measurements. If measurements are not permitted within the prescribed time, cases involving crops subject to marketing quotas, shall be referred to the State committee for further referral to the Regional Attorney for appropriate action.

§ 718.8 Report of acreage.

(a) *Obtained by a farm visit.* When a farm inspection, measurement of acreage, or other compliance determination is required under the provisions of § 718.7, the farm operator or his representative shall file a report of acreage with the county committee, or a representative of the county committee, on the form provided for that purpose. A report of acreage shall not be considered complete unless signed by the farm operator or his representative.

(b) *Obtained by certification*—(1) *General.* Notwithstanding other provisions of these regulations requiring farm inspection and measurement, a certification of the acreage and land use made on a form prescribed for such use and signed by the farm operator may be accepted in lieu of such farm inspection and measurement under the conditions prescribed in subparagraphs (2), (3), (5), and (6) of this paragraph (b). A separate certification may be required for each allotment crop and for each conservation reserve contract, except as otherwise provided in subparagraph (4) of this paragraph (b). When a certification in lieu of inspection and measurement is accepted, the farm shall be subject to the following provisions:

(i) Visits to selected farms to determine acreage and compliance at any time during the program year.

(ii) If, at the time of the farm visit, the acreage certified to by the operator and the acreage, as determined by measurement do not agree, the acreage as determined by measurement will be the official acreage unless changed by a remeasurement requested under § 718.13.

(2) *For cotton, rice, peanuts, and tobacco.* When the farm operator certifies that an acreage of cotton, rice, peanuts, and tobacco has not been planted on the farm or, in case of peanuts, that none of the peanuts planted on the farm will be dug.

(3) *For conservation reserve farms.* When a conservation reserve contract is in effect on the farm and the farm operator certifies that:

(i) No soil bank base crops have been or will be planted on the farm during the current year, or an acreage of soil bank base crops has been or will be planted on the farm during the current year but an examination of the contract reveals that the soil bank base established for the farm is equal to the total land in the farm, and

(ii) No soil bank base crops planted or to be planted are or will be located on the designated reserve area on the farm.

(4) *"Whole farm" conservation reserve contracts.* The acceptance of a certification in lieu of a farm visit pursuant to

subparagraph (3) of this paragraph may be considered as meeting the conditions prescribed under subparagraph (2) of this paragraph when a "whole farm" conservation reserve contract is in effect on the farm.

(5) *For areas staked and referenced, or for which official acreages have been established.* The farm operator reports all of the areas devoted to a crop or land use for the farm and official acreages have been established or a staking and referencing service has been performed in the current year for each area devoted to the crop or land use.

(6) *For wheat, sugar crops, and feed grain under the conditions specified below for counties listed in subdivision (x) of this subparagraph (6).* (i) The farm operator reports (*a*) the total acreage of wheat on the farm and (*b*) the total acres diverted from wheat not later than 21 days prior to the wheat disposition date, except that if the farm is also diverting from feed grains the acres diverted from wheat may be reported not later than the latest feed grain disposition date:

(ii) The farm operator reports (*a*) the total acreage of each feed grain crop on the farm not later than 21 days prior to the feed grain crop disposition date and (*b*) the total acres diverted from feed grain not later than 21 days prior to the latest feed grain disposition date.

(iii) The farm operator reports the total acres of sugar crops on the farm (*a*) for sugar beets, not later than 30 days after normal completion of planting or such later date approved by the State committee, or (*b*) for sugar cane, not later than 45 days prior to the earliest harvest date or such earlier date approved by the State committee.

(iv) When an acreage reported by the farm operator is in excess of that permitted for a crop or, in the case of diverted acreage, is deficient, or the farm is enrolled in both the wheat and feed grain programs and is eligible for substitution, a notice of acreage shall be furnished to the farm operator in accordance with 718.10(a). The notice shall inform the farm operator that if he elects to adjust an acreage, such acreage must be adjusted and an amended report of acreage filed not later than the final disposition date for the crop, or in the case of diverted acreage not later than (*a*) the wheat disposition date for farms diverting from wheat only or (*b*) the latest feed grain disposition date for farms diverting from feed grains or from wheat and feed grains.

(v) Notwithstanding the provisions of subdivisions (i) through (iv) of this subparagraph (6), crops and land uses for which the farm operator's report of acreage was accepted will be measured on the number of farms as determined by the Deputy Administrator.

(vi) If the reported crop or land use acreage and the acreage determined by measurement do not agree, a notice of acreage shall be mailed to the farm operator in accordance with § 718.10(a).

(vii) Notwithstanding any other provisions in these regulations for adjustment of acreages, adjustment of acreages shall not apply when acreage is determined under subdivision (vi) of this subparagraph (6) except that (*a*) adjustment of sugar crop acreages shall be in accordance with Parts 850 and 855 of this chapter VII, and (*b*) additional eligible land may be designated as diverted acreage, provided that disposition of a crop to make the acreage eligible for diverted acreage shall not be permitted.

(viii) The county committee may accept a report of acreage after the dates specified in subdivisions (i) through (iv) of this subparagraph (6) upon receipt of satisfactory proof that the producer was prevented from reporting the acreage by the date specified because of reasons beyond his control.

(ix) Notwithstanding the provisions of this subparagraph (6) of this paragraph (b), compliance with the wheat, sugar and feed grain programs on farms with a conservation reserve contract shall be determined by a farm visit.

(x) Designated counties.

ALABAMA

Feed Grain—Bibb.
Wheat and Feed Grain—Baldwin, Blount, Calhoun, Chambers, Cherokee, Chilton, Clarke, Clay, Cleburne, Colbert, Coosa, Dale, Escambia, Franklin, Henry, Jefferson, Lamar, Lauderdale, Mobile, Montgomery, Perry, St. Clair, Tallapoosa, Walker, Washington, and Winston.

CALIFORNIA

Wheat and Feed Grain—Alameda, Butte, Colusa, Fresno, Glenn, Kern, Kings, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Placer, Riverside, Sacramento, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba.

COLORADO

Wheat and Feed Grain—Costilla, Dolores, Douglas, Elbert, El Paso, Fremont, Garfield, Jefferson, La Plata, Moffat, Montezuma, and Rio Blanco.
Wheat, Feed Grain and Sugar—Adams, Alamosa, Baca, Conejos, Crowley, Kit Carson, Las Animas, Mesa, Montrose, Morgan, Phillips, Prowers, Pueblo, Rio Grande, Saguache, and Weld.
Feed Grain and Sugar—Bent.
Feed Grain—Kiowa.

DELAWARE

Wheat and Feed Grains—Kent.

FLORIDA

Wheat and Feed Grains—Escambia.

GEORGIA

Wheat and Feed Grains—Habersham, Hall, Forsyth, Union, and Whitfield.

IDAHO

Wheat and Feed Grains—Camas, Kootenai, Lewis, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, and Teton.

ILLINOIS

Wheat and Feed Grains—Adams, Bureau, Cass, Champaign, Clark, Clinton, Coles, Edgar, Fayette, Ford, Gallatin, Greene, Hancock, Henry, Kane, Kendall, La Salle, Livingston, Menard, Monroe, Montgomery, Moultrie, Peoria, Piatt, Pike, Randolph, Scott, Shelby, Stark, Washington, and White.

INDIANA

Wheat and Feed Grains—Adams, Benton, Blackford, Boone, Carroll, Cass, Daviess, Dubois, Fayette, Fulton, Henry, Jasper, Jay, Jennings, Orange, Parke, Pulaski, Ripley, Rush, Tipton, Union, Warren, Wells, and White.

IOWA

Wheat and Feed Grains—Adair, Adams, Appanoose, Audubon, Buena Vista, Carroll, Cass, Cedar, Cherokee, Clarke, Clay, Clinton, Crawford, Dallas, Davis, Decatur, Des Moines, Dickinson, Fremont, Guthrie, Henry, Ida, Iowa, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Plymouth, Polk, East Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, and Woodbury.
Wheat, Feed Grains and Sugar—Monona.

KANSAS

Wheat and Feed Grain—Barton, Clay, Dickinson, Logan, Nemaha, Seward, Stevens, and Wabaunsee.
Wheat, Feed Grain and Sugar—Cheyenne, Finney, Kearney, Morton, Stanton, Wallace, and Wichita.
Feed Grain and Sugar—Grant, Greeley, Hamilton, Haskell, and Sherman.
Feed Grain—All remaining counties in the State.

KENTUCKY

Wheat and Feed Grain—Crittenden and Union.

LOUISIANA

Sugar and Feed Grain—Ascension, Assumption, Iberville, Lafourche, St. Charles, St. James, St. John, St. Mary, Terrebonne, and West Baton Rouge.

MARYLAND

Wheat and Feed Grain—Queen Annes.
Feed Grain—Kent.

MICHIGAN

Wheat and Feed Grain—Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Eaton, Gratiot, Hillsdale, Ionia, Kalamazoo, Kent, Lenawee, Monroe, Montcalm, Ogemaw, Ottawa, Saginaw, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, and Washtenaw.

MINNESOTA

Wheat and Feed Grain—Benton, Blue Earth, Cottonwood, Jackson, Lyon, Morrison, Mower, Murray, Nobles, West Ottertail, East Ottertail, Rock, Sherburne, Todd, Winona, and Wright.
Wheat, Feed Grain and Sugar—Brown, Carver, Chippewa, Faribault, Freeborn, Kandiyohi, Lac qui Parle, Martin, Meeker, Redwood, Renville, Swift, Watonwan, and Yellow Medicine.

MISSOURI

Wheat and Feed Grain—Andrew, Atchison, Audrain, Barry, Buchanan, Caldwell, Carroll, Cedar, Christian, Clark, Clay, Dade, Greene, Grundy, Harrison, Howell, Knox, Lafayette, Lawrence, Lewis, Linn, Mercer, Montgomery, Nodaway, Perry, Pettis, Phelps, Platte, Polk, Putnam, Ray, Ripley, St. Charles, Saline, Schuyler, Scott, and Shelby.

MONTANA

Wheat and Feed Grain—Blaine, Carbon, Cascade, Chouteau, Custer, Daniels, Dawson, Fergus, Flathead Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Sheridan, Stillwater, Teton, Toole, Treasure, Valley, and Yellowstone.

NEBRASKA

Wheat and Feed Grain—Adams, Banner, Boone, Box Butte, Buffalo, Butler, Cheyenne, Clay, Dawes, Dawson, Deuel, Fillmore, Franklin, Furnas, Garden, Gosper, Greeley, Hall, Hamilton, Harlan, Jefferson, Kearney, Kimball, Merrick, Morrill, Nance, Nuckolls, Phelps, Polk, Saline, Scotts Bluff, Sheridan, Sioux, Thayer, Valley, Webster, and York.

NEW JERSEY

Wheat and Feed Grain—Morris.

NEW MEXICO

Wheat and Feed Grain—Colfax, Quay, and Union.
Sugar and Feed Grain—Curry.

NEW YORK

Wheat and Feed Grain—Albany, Cayuga, Clinton, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Lewis, Livingston, Monroe, Montgomery, Niagara, Onondaga, Ontario, Orleans, Otsego, Rensselaer, St. Lawrence, Saratoga, Schoharie, Schenectady, Seneca, Washington, Wayne, Wyoming, and Yates.

NORTH DAKOTA

Wheat and Feed Grain—Barnes, Burke, Golden Valley, Nelson, Ransom, and Sioux.

OHIO

Wheat and Feed Grain—Allen, Ashland, Auglaize, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Huron, Knox, Licking, Logan, Lorain, Lucas, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Pickaway, Preble, Putnam, Rickland, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, and Wyandot.

OKLAHOMA

Wheat and Feed Grain—Alfalfa, Beaver, Cimarron, Craig, Garfield, Grant, Kay, Kingfisher, Logan, Ottawa, and Texas.

OREGON

Wheat and Feed Grain—Baker, Clackamas, Gilliam, Jefferson, Klamath, Lake, Linn, Malheur, Marion, Morrow, Polk, Sherman, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, and Yamhill.

PENNSYLVANIA

Wheat and Feed Grain—Armstrong, Bedford, Bucks, Butler, Cambria, Carbon, Centre, Clarion, Columbia, Crawford, Dauphin, Erie, Fayette, Forest, Franklin, Fulton, Huntingdon, Indiana, Juniata, Lawrence, Lehigh, Lycoming, Mercer, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Somerset, Union, Venango, Washington, and Westmoreland.

SOUTH DAKOTA

Wheat and Feed Grain—Bennett, Butte, Clay, Corson, Custer, Dewey, Haakon, Harding, Hughes, Jackson, Jones, Lincoln, Meade, Mellette, Minnehaha, Pennington, Perkins, Potter, Shannon, Stanley, Sully, Todd, Tripp, Union, Washabaugh, and Ziebach.

TENNESSEE

Wheat and Feed Grain—Coffee, Dickson, Franklin, Gibson, Hickman, Humphreys, Lewis, Marshall, Perry, and Trousdale.

TEXAS

Wheat and Feed Grain—Armstrong, Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman.

Wheat, Feed Grain and Sugar—Deaf Smith.
Sugar—Castro and Parmer.

UTAH

Wheat and Feed Grain—Kane, Millard, Rich, San Juan, Wasatch, Washington, and Wayne.
Wheat, Feed Grain and Sugar—Box Elder, Cache, Davis, Iron, Juab, Salt Lake, Sanpete, Sevier, Utah, and Weber.

VIRGINIA

Wheat and Feed Grain—Accomack, Alleghany, Augusta, Bath, Botetourt, Caroline, Charles City, Clarke, Culpeper, Essex, Fairfax, Fauquier, Frederick, Gloucester, Greene, Hanover, Henrico, Highland, James City, King George, King and Queen, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, New Kent, Northampton, Northumberland, Orange, Page, Prince William, Rappahannock, Richmond, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren, Westmoreland, and York.

WASHINGTON

Wheat and Feed Grain—Asotin, Klickitat, Lewis, Lincoln, Spokane, and Stevens.
Wheat, Feed Grain and Sugar—Franklin, Grant, and Walla Walla.

WEST VIRGINIA

Wheat and Feed Grain—Berkeley, Jefferson, and Morgan.

WISCONSIN

Wheat and Feed Grain—Barron, Brown, Burnett, Calumet, Chippewa, Columbia, Crawford, Dane, Door, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, La Crosse, Lafayette, Manitowoc, Milwaukee, Portage, Racine, Richland, Sauk, Sheboygan, Vernon, Walworth, Waukesha, and Wood.

WYOMING

Wheat and Feed Grain—Crook.
Wheat, Feed Grain and Sugar—Fremont.

(c) *Obtained from rice or sugar companies*—(1) *General.* Notwithstanding other provisions in these regulations requiring farm inspection and measurement, acreage measurements made by the water or irrigation company furnishing water for the production of rice on the farm or by the company contracting for the processing of sugar cane or sugar beets on the farm may be accepted in lieu of farm inspection and measurement subject to the provisions of § 718.13 provided:

(i) Substantially all of the rice or sugar acreage in the county will be determined by the company.

(ii) The county committee is willing to accept such measurements, and

(iii) Farm visits are made in accordance with subparagraph (2) of this paragraph.

(2) *Farm visit requirements.* When the use of company measurements has been authorized, visits to a representative number of farms shall be made to determine the acceptability of the company measurements. If the difference between the acreage determined by county office personnel and that determined by company representatives for any farm does not exceed 2 percent or five-tenths (0.5) acre, whichever is larger, the acreage determination made by the company shall be considered acceptable. When the difference exceeds this variance, the acreage determination made by county office personnel shall be used. If the county committee determines, as a result of the farm visits that the company's measurements are not acceptable, the acreage for each farm shall be determined by county office personnel.

(3) *Exceptions.* The rice or sugar crop acreage for any farm on which a conservation reserve contract is in effect and the rice acreage on any farm on which the company shares in the rice crop shall be determined by county office personnel irrespective of the acceptance of company measurements on other farms in the area.

§ 718.9 Computation of acreage.

(a) *General.* Acreages shall be determined by personnel of the county office from data secured by the reporter. The rule of fractions and extent of calculations prescribed in this section govern the computation of acreages.

(b) *Rule of fractions*—(1) *Tobacco.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping all thousandths, except where the field or subdivision being measured is less than one-hundredth (0.01) acre in which case the computations shall be carried to five decimal places and the acreage recorded in acres and thousandths. The total farm acreage of each kind of tobacco shall be the sum of the field and subdivision acreages of each kind of tobacco and shall be recorded in acres and hundredths of acres, dropping all thousandths.

(2) *Sugar crops in Puerto Rico, Virgin Islands, and Hawaii.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping thousandths. The total farm acreage shall be the sum of the field and subdivision acreages recorded in acres and hundredths of acres.

(3) *Other crops and land uses.* Compute field and subdivision acreages in acres and hundredths, dropping all thousandths. Record net acreage for each field and subdivision in acres and tenths, dropping hundredths. Where a field or subdivision devoted to a crop is less than one-tenth (0.1) acre, record the net acreage in hundredths of acres. The total farm acreage for a crop or land use shall be the sum of the field and subdivision acreages of such crop or land use recorded in acres and tenths.

§ 718.10 Notice to farm operator.

(a) *General.* After the determination of acreages for the farm which are relevant in determining compliance with the allotment for an allotment crop or compliance with respect to any program, a written notice of such acreages shall be furnished to the farm operator. The notice shall be on a form prescribed by the Deputy Administrator and the furnishing of the notice to the farm operator shall constitute notice to all producers on the farm.

(b) *Erroneous notice.* If, under applicable regulations, a farm is determined to be out of compliance for marketing quota, price support, or soil bank purposes, the farm nevertheless shall be deemed in compliance with the acreage allotment for marketing quota and price support purposes and not in violation of the conservation reserve contract with

respect to the farm (unless the crop involved in the excess is located on the conservation reserve area) if the county committee, with the approval of the State executive director, determines that lack of compliance was caused by all of the following:

(1) Reliance in good faith by the farm operator on an erroneous notice of acreage issued hereunder; and

(2) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording an acreage for the farm; and

(3) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(4) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Erroneous excess notice.* If the erroneous notice of acreage shows excess acreage which is not adjusted in accordance with applicable regulations the farm will not be deemed in compliance, but if the provisions of paragraph (b) (1) through (4) of this section are met with respect to additional excess acreage not shown on the notice, the acreage entered on the notice will be used for program purposes.

(d) *Special designation.* The Administrator, Agricultural Stabilization and Conservation Service, may designate an employee of the Department of Agriculture to exercise the function of approving determinations of the county committee under paragraphs (b) and (c) of this section and if an employee is so designated no determination of the county committee thereunder shall be effective unless approved by the designated employee.

§ 718.11 Spot checks.

The State or county committee or the Deputy Administrator may at any time require a visit to spot check the acceptability of the work performed on any farm by any reporter. If requested to do so by any producer interested in the farm, the person authorized to make the spot check shall present his written authorization to spot check the work on that farm.

§ 718.12 Cost of measurement.

The cost of initially determining the acreage of a crop or land use for which measurements are required shall be paid from administrative funds. Additional determinations shall be made in accordance with §§ 718.13 and 718.14.

§ 718.13 Redetermination of acreage.

(a) *General*—(1) *Authorized by ASCS.* The State or county committee or the Deputy Administrator may require a redetermination of the acreage and compliance at any time with respect to any program for any farm.

(2) *Requested by producer.* If the farm operator or other producer interested in the crop requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer deposits the cost of remeasurement with the county office and files a request for remeasurement within 15 days from the date of the notice of acreage or the disposition date for the crop, whichever is earlier, for all crops except tobacco, and in the case of tobacco within 10 days from the date of the notice of acreage. For flue-cured tobacco, the State committee may provide for the reduction of such time to 7 days. The rates to be charged for the remeasurement service shall be recommended by the county committee and approved by the State committee.

(3) *Methods authorized.* Remeasurement may be accomplished by use of a transit, alidade, or other precision instrument or by any other method authorized by this part. Acreages determined or redetermined by authorization of ASCS shall rule over any acreage determination made by an unauthorized person.

(4) *Notifying producer.* After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement.

(b) *Late-filed requests.* If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the prescribed period, and establishes to the satisfaction of the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county office manager shall grant the request for remeasurement.

(c) *Conditions governing refund of deposit.* The deposit made for the expense of the remeasurement of the initially determined acreage or of the adjusted acreage shall be refunded when because of an error made in the determination of such acreage:

(1) The acreage as redetermined is considered to be within the allotment, permitted, or intended acreage, whichever is applicable, or

(2) The redetermination of the acreage involved in the remeasurement results in a change in the corresponding previously determined acreage of as much as three percent or five-tenths (0.5) acre, whichever is larger.

(d) Subsequent remeasurement at the request of the producer shall be made only upon approval of the State committee.

§ 718.14 Adjustment of acreage.

(a) *General.* If the farm operator or other producer on the farm elects to adjust the acreage of a crop or land use in accordance with applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions prescribed in this section. Disposition of excess tobacco must be witnessed by a representative of the county committee unless disposition is made before any tobacco on the farm has matured sufficiently for harvest. Unless the requirements for the measurement of an adjusted acreage are met, the acreage as determined prior to such adjustment shall be considered as the acreage for the farm in determining whether the applicable farm allotment has been exceeded or whether the applicable acreage requirements for any other program have been met. When the producer must pay the cost of determining the adjusted acreage, the rates to be charged shall be recommended by the county committee and approved by the State committee.

(b) *Timing requirements*—(1) *Notification of adjustment.* If the farm operator or other producer on the farm elects to adjust an acreage, he shall notify the county office manager by the applicable date specified in subdivisions (i) through (viii) of this paragraph (b) (1) that he has adjusted the acreage or that he intends to adjust the acreage in case of tobacco or peanuts. Notification is not required if the final acreage of the crop will be determined at ASCS expense under the conditions prescribed in paragraph (c) (1) of this section.

(i) *For crops and land uses where a disposition date has been established.* By the established disposition date or 15 days from the date of the notice of acreage, whichever is later.

(ii) *For cotton where a disposition date has not been established.* Fifteen days from the date of the notice of acreage.

(iii) *For tobacco*—(a) To be eligible for price support, 10 days from the date of the notice of acreage, except in States where a 7-day period has been established for flue-cured tobacco.

(b) To avoid a marketing quota penalty, before any marketing.

(iv) *For peanuts.* Before any marketing, except for green peanuts before any peanuts of the same type are picked or threshed.

(v) *For deficient diverted acreage*—(a) *Acreage is diverted under the wheat diversion program only.* Fifteen days from the date of notice or the established disposition date for wheat, whichever is later.

(b) *Acreage is diverted under feed grain program only.* When barley is the only feed grain crop planted on the farm, the established disposition date for barley or 15 days from date of the notice, whichever is later. When feed grain crops in addition to barley will be planted, the latest disposition date for feed grains or 15 days from the date of the notice, whichever is later.

(c) *Acreage diverted under both wheat and feed grain programs.* Fifteen days from the date of the notice or the latest disposition date, whichever is later.

(vi) *For crop disposition to meet the conserving base requirement.* The established disposition date or 15 days from the date of the notice, whichever is later. Where an established disposition date is not applicable, 15 days from the date of the notice.

(2) *Substitution of diverted acreage.* The latest disposition date for feed grain, except that the disposition date for wheat will apply when the farm is enrolled in the wheat program only.

(c) *Responsibility for cost of revisits to farms*—(1) *Adjustment of acreage.* If the farm operator or other producer on the farm elects to adjust an acreage, the cost of revisiting the farm shall be paid

by the producer, except that the visit will be made at ASCS expense when:

(i) The revisit is to determine the disposition or classification of an estimated acreage of a crop when the measured acreage of such crop was within the allotment or other acreage limitation.

(ii) The revisit is to determine the classification of an acreage of a grain mixture.

(iii) The entire excess for peanuts is caused by an acreage initially reported for hogging and the revisit is the first revisit made for the purpose of determining the disposition of such acreage.

(iv) The revisit is for the purpose of determining the classification of a crop which may be classified as a soil bank base crop on the basis of the use made of the crop.

(v) The revisit is for the purpose of verifying or determining the classification of an approved cover crop on diverted acreage.

(vi) The entire acreage of a crop is abandoned because of the destruction or failure of the crop caused by reasons beyond the control of the producer.

(2) *Release of diverted or conservation reserve acreage in designated emergency areas.* If a farm visit which would not otherwise be required is necessary in a designated emergency area for the purpose of determining an acreage of designated conservation reserve or diverted acreage which has been released for grazing or for the harvesting of a crop of hay, the cost of the visit shall be paid by the producer.

(3) *Substitution of diverted acreage.* If a farm visit which would not otherwise be required is necessary to obtain a report of acreage diverted in lieu of an acreage previously designated, the cost of the visit shall be paid by the producer.

(d) *Measurement of acreage prior to adjustment.* The county committee may provide for the measurement of acreage prior to adjustment, and for verification of the disposition in case of excess, if the producer files a request and pays the cost of the service.

(e) *Extension of time for adjustment of acreage.* If producers on a farm are unable to adjust an acreage within the time limit specified on the notice of acreage, any producer having an interest in the crop or program involved may request the county office manager to grant an extension of time. The request shall be in writing and shall state why the producers are unable to adjust the acreage within the time limit specified. If the county office manager determines from the facts stated that the producers were prevented by reasons beyond their control from adjusting the acreage within the time specified, the date for adjustment may be extended to grant an additional period of time equal to that provided by the latest notice of acreage but not to exceed 15 days.

(f) *Further adjustment after remeasurement or initial adjustment.* If the determination made as a result of the remeasurement of an acreage or after an initial adjustment reveals that the acreage is still in excess or is deficient in case of diverted acreage, a revised notice of acreage may be furnished to the farm operator providing for acreage adjustment within 7 days from the date of such notice or the applicable disposition date, whichever is later, or in the case of cotton, when no disposition date has been established within 7 days from the date of such notice. Notwithstanding the provisions of this paragraph (f), for tobacco and peanuts, the revised notice of acreage shall provide for disposition in accordance with applicable program provisions.

(g) *No adjustment after harvest.* No adjustment shall be made in the planted acreage of any crop by disposition of excess acreage after any of the crop has been harvested from such acreage, except that adjustment of the farm peanut acreage or the acreage of any kind of tobacco shall be made in accordance with applicable regulations.

(h) *Failure to notify county office of intent or completion of adjustment of acreage*—(1) *Notice of disposition.* If the farm operator or other producer on the farm failed to notify the county office of intent or completion of disposition of excess acreage in accordance with the provisions of paragraph (b) of this section, credit for disposition may be given for crops other than tobacco if the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee that the crop on the excess acreage was in fact disposed of prior to the disposition date: *Provided, however,* That if a notice of farm marketing excess for cotton or rice has been issued on the basis of such excess acreage, no credit for disposition of such excess acreage prior to the disposition date can be given unless application, in writing, to so establish such disposition, is filed with the county committee within 15 days after the mailing date of the farm marketing excess notice. The determination of the county committee, with respect to the application shall be evidenced by the issuance and mailing of a revised notice of farm marketing excess. In case of tobacco, the county committee may accept a notice of intention filed after the date specified on the notice of acreage upon receipt of satisfactory proof that the producer was prevented from notifying the county office by the date specified because of conditions beyond his control.

(2) *Failure to notify county office of adjustment of deficient diverted acreage.* If all program requirements relating to eligibility for diversion payment are met except for timely notifying the county office of the adjustment of deficient diverted acreage, additional eligible acreage may be designated if the county committee determines that the producer failed to make timely notification of the adjustment of acreage due to a misunderstanding of his responsibility under the program regulations.

§ 718.15 State committee options.

(a) If general cultural practices in the area warrant such action, the State committee, upon approval of the Deputy Administrator, may establish a minimum row width for specific crops of less than 4 links prescribed in § 718.2(g), may increase the minimum area and width requirement for deductible area under § 718.5(f), may increase the minimum area and width requirements for adjustment credit under § 718.5(g)(2), may provide for computing acreages for fields and subdivisions under § 718.9(b)(3) in acres and tenths, dropping all hundredths, and may decrease the five-tenths (0.5) acre minimum error requirement under § 718.13(c)(2) to not less than one-tenth (0.1) acre.

(b) The State committee determinations prescribed in this paragraph (b) deviate from the standards otherwise prescribed in this part, are effective for 1965, and will remain effective for subsequent years unless and until amended:

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO § 718.15(a)

State	Sec. 718.2(g) Normal Row Width	Sec. 718.5(f) Deduction Credit	Sec. 718.5(g)(2) Adjustment Credit	Sec. 718.9(b)(3) Acreage Computations	Sec. 718.13(c)(2) Remeasurement Refund
Alabama	16 inches for peanuts.				
California	30 inches for cotton.	Minimum width within the planted area, (1) 4 rows for all row crops except cotton; (2) 20 links for close-sown crops.	Minimum width, (1) 4 rows for all row crops except cotton; (2) 20 links for close-sown crops.		
Colorado				Acres and tenths.	
Connecticut					0.25 acre.
Delaware		Minimum width, (1) Turn rows, 21 links; (2) Other unplanted areas, 6 links.		Acres and tenths.	0.2 acre.
Florida	18 inches for peanuts.				
Georgia	16 inches for peanuts.				0.1 acre.
Idaho		Minimum width, 36 inches	Minimum width, 36 inches	Acres and tenths.	
Illinois		Minimum area, 0.1 acre for tobacco. Minimum width, 36 inches, except 72 inches for terraces and sod waterways.	do	do	
Indiana		Minimum width, 5 links except 15 links for terraces, permanent irrigation and and drainage ditches, and sod waterways.	Minimum area, 0.5 acre for all crops and land uses except tobacco. Minimum width, 5 links.	do	0.1 acre for tobacco.

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO § 718.15(a)—Continued

State	Sec. 718.2(g) Normal Row Width	Sec. 718.5(f) Deduction Credit	Sec. 718.5(g)(2) Adjustment Credit	Sec. 718.9(b)(3) Acreage Computations	Sec. 718.13(c)(2) Remeasurement Refund
Iowa		Minimum width, 7 links	Minimum width, 7 links		
Kansas	20 inches for sugarbeets.		Minimum area, 0.5 acre for all crops and land uses except tobacco and sugarbeets.	Acres and tenths	
Kentucky			Minimum width for tobacco: (1) Inside planted area and along end boundaries, the smaller of 10 links or 2 rows; (2) Along boundaries parallel to the rows in the field, one row.		
Louisiana		Unplanted contour levees within rice field are not eligible for deduction.	Minimum area 1.0 acre. Minimum width 0.5 chain, except for cotton, peanuts, corn, grain sorghums and barley.		
Maryland				Acres and tenths	
Michigan				do	
Minnesota	20 inches for sugarbeets.	Minimum area, 0.1 acre for tobacco and sugarbeets; 0.3 acre for all other crops and land uses. Minimum width, 10 links.	Minimum area, 0.1 acre for tobacco and sugarbeets; 0.3 acre for all other crops and land uses. Minimum width, 10 links.	do	
Mississippi		Minimum width, (1) For terraces, 36 inches; (2) For irrigation and drainage ditches and sod waterways, 0.1 chain; (3) For deduction around the perimeter of the field, 2 rows (72 inches) for row crops; 0.1 chain for close-sown crops; (4) For deductions within the planted area, 4 rows (144 inches) for row crops when an intertilled or fallow-strip planting patterns is not involved; 0.2 chain for close-sown crops.	Minimum area, 0.3 acre except for cotton destroyed by installation of an irrigation system. Minimum width 0.1 chain.		
Missouri			Minimum area, 1.0 acre for diverted acres, except that areas of less than 1.0 acre may be accepted if they are strips of not less than 4 normal rows in width in skip-row planting patterns.		0.1 acre for tobacco.
Montana	22 inches for sugar beets.			Acres and tenths	
Nebraska	do	Minimum area, 0.5 acre for all crops and land uses except sugarbeets. For terraces, permanent irrigation and drainage ditches, and sod waterways each area must meet the minimum requirements.	Minimum area, 1.0 acre for all crops and land uses except sugarbeets.	do	
New Jersey				do	
New Mexico				do	
New York				do	0.2 acre.
North Carolina	18 inches for peanuts; 30 inches for corn.				
North Dakota	20 inches for sugar beets.				
Ohio	28 inches for sugar beets and horticultural crops.	Minimum area within the planted area, 0.3 acre for all crops except tobacco. Minimum width, (1) Areas along the perimeter of a field, 9 links; (2) Areas within the planted area, 15 links for all crops except tobacco. For tobacco, 9 links.	Minimum area, 0.3 acre for all crops except tobacco. Minimum widths: (1) For tobacco, (a) within the planted area, 9 links; (b) along side(s) of a field, one row; (c) on end(s) of a field, 9 links. For all other crops, (a) within the planted area; 18 links; (b) along field boundaries, 9 links.	Acres and tenths	0.1 acre for tobacco.
Oklahoma				do	
Oregon	20 inches for sugar beets.	Minimum width, for close-sown crops within the planted area, 6 feet.		do	
Pennsylvania				do	
South Dakota		Minimum area, 0.5 acre for all crops except sugar beets.	Minimum area, 0.5 acre for all crops and land uses except sugar beets.	do	
Tennessee			Minimum widths: (1) For row crops other than tobacco, 4 rows; (2) For tobacco, (a) along field boundary, one row; (b) within planted area, 2 rows.		For tobacco, 0.1 acre.
Texas	18 inches for vegetable crops; 30 inches for sugar beets.	Minimum width, 9 links			
Utah	22 inches			Acres and tenths	
Virginia					For areas of less than 5 acres, 10 percent or 0.1 acre, whichever is larger.
Washington	22 inches for sugar beets and beans.				
West Virginia				Acres and tenths	
Wisconsin	32 inches for tobacco.	Minimum width, (1) For all crops except tobacco, 6 links; (2) For terraces, permanent irrigation and drainage ditches, and sod waterways, 72 inches.	Minimum width for diverted acreage, 6 links.	do	0.1 acre for tobacco.
Wyoming	20 inches for sugar beets.			do	

Effective date. Since the determination of acreage and compliance for the 1965 program year is now in progress, it is imperative that these regulations be issued as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that the provisions of this part shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 28, 1965.

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

[F.R. Doc. 65-5855; Filed, June 4, 1965; 8:45 a.m.]

[Amdt. 5]

PART 728—WHEAT

Subpart—Wheat Diversion Program for 1964 and 1965

MISCELLANEOUS AMENDMENTS

The regulations governing the Wheat Diversion Program for 1964 and 1965, 28 F.R. 5133, as amended, are hereby amended as follows:

§ 728.51 [Amended]

1. Section 728.51(b)(6) is amended by inserting the words "or land in a National wildlife refuge" immediately after the word "possession" in the last sentence thereof.

2. Section 728.51(c)(2)(ii) is amended by inserting immediately following the second sentence thereof the follow new sentence: "For purposes of this subdivision (ii), all persons or entities in each category listed below shall be considered as one producer and fully responsible for the actions of any person or entity in that category: (*a*) A partnership and any member of the partnership; (*b*) a corporation and the majority stockholder of such corporation; (*c*) an estate and an heir of the estate with over a 50 percent interest in the estate; (*d*) a trust and a beneficiary of the trust with over a 50 percent interest in the trust; (*e*) minor children and the parent, guardian, or other person legally responsible for the minor; and (*f*) husband and wife, except the husband and wife may be considered as separate producers if they do not occupy the same household, managerial control of the noncomplying farm is not shared by the spouse, and there have been no changes in the operations or managerial control of the noncomplying farm which would tend to defeat the purpose of the provisions of this subparagraph (ii)."

3. Section 728.52(e) is amended to read as follows:

§ 728.52 **Designation, use, and care of diverted acreage.**

* * * * *

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* For 1964, diverted acreage devoted to castor beans, guar, sunflower, safflower, or sesame may be harvested. For 1965, only that part of the diverted acreage in excess of the minimum required diverted acreage devoted to castor beans, guar, sunflower, safflower, sesame, or flax may be harvested.

* * * * *

4. Section 728.57(b) is amended to read as follows:

§ 728.57 **Determination of payment rates.**

* * * * *

(b) Notwithstanding any other provision of this section, the rates of payment for land devoted to substitute crops shall be as provided in this paragraph. The rates of payment under the 1964 program shall be (1) 50 percent of the payment rate per acre otherwise applicable to the farm in the case of diverted acreage devoted to guar, castor beans, and sesame, and (2) 30 percent of the payment rate per acre otherwise applicable to the farm in the case of diverted acreage devoted to sunflower. No diversion payment shall be made with respect to diverted acreage devoted to safflower. The rates of payment under the 1965 program for diverted acreage devoted to approved substitute crops shall be a percentage of the average per acre farm diversion payment for wheat and feed grains for which the farm would have qualified had there been no substitute crop. The percentages are 30 percent for sunflower and 50 percent for castor beans, guar, and sesame. No diversion payment shall be made with respect to diverted acreage devoted to flax or safflower.

* * * * *

§ 728.61 [Amended]

5. Section 728.61(e) is amended by changing the period at the end thereof to a comma and adding the following: "and (2) a producer may revise a previously filed Form ASCS–477 (Wheat) at any time prior to the closing date established by the Administrator, ASCS, for filing Form ASCS–477 (Wheat) for spring-seeded wheat except that no Form ASCS–477 (Wheat) filed during the period for filing Form ASCS–477 (Wheat) for fall-seeded wheat may be revised after the close of such period to elect to produce excess wheat as provided in § 728.107 of the regulations governing the Farm Wheat Certificate Program.".

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 28, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–5895; Filed, June 4, 1965; 8:48 a.m.]

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

[Valencia Orange Reg. 123]

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

Limitation of Handling

§ 908.423 **Valencia Orange Regulation 123.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 3, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 6, 1965, and ending at 12:01 a.m., P.s.t., June 13 ,1965, are hereby fixed as follows:

(i) District 1: 400,000 cartons;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: June 4, 1965.

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

[F.R. Doc. 65–5966; Filed, June 4, 1965; 11:30 a.m.]

[Lemon Reg. 164]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.464 **Lemon Regulation 164.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recom-

mendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 6, 1965, and ending at 12:01 a.m., P.s.t., June 13, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: June 3, 1965.

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

[F.R. Doc. 65–5946; Filed, June 4, 1965; 8:49 a.m.]

[Avocado Order 7]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Correction

In F.R. Doc. 65–5665 appearing at page 7240 in the issue for Saturday, May 29, 1965, the following change should be made: In the first column of Table I of § 915.307, the entry reading "Ajax (B–72)" should read "Ajax (B–7B)".

[Avocado Reg. 13]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Correction

In F.R. Doc. 65–5670 appearing at page 7244 in the issue for Saturday, May 29, 1965, the following change should be made: In the eighth line of § 944.5(a) (6) which now reads "specified and be less than the minimum", the word "weight" should be inserted so that the line will read "specified weight and be less than the minimum".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B–2.2—Solicitation of Bids

MISCELLANEOUS AMENDMENTS

The criteria for determining the construction and alteration projects on which bidders shall be required to submit a listing of subcontractors are changed; and the 48-hour interval after the time set for submission of bids, during which the subcontractor listing could be submitted, is eliminated.

Subpart 5B–2.2 (29 F.R. 15026; Nov. 6, 1964) is amended by revising § 5B–2.202–70 "Listing of subcontractors" as follows:

§ 5B–2.202–70 Listing of subcontractors.

(a) Invitations for bids on new construction contracts estimated to cost in excess of $150,000 and on alteration contracts estimated to cost in excess of $500,000 shall require the bidder to name the principal subcontractors (or his own firm when it will perform the work).

(b) Contracting officers shall determine the work categories for which subcontractors' names are to be submitted. The listing of the categories of work shall include plumbing, heating, airconditioning and ventilation, electrical, elevators, and all other general construction categories the value of which is estimated to be at least 3½ percent of the estimated cost of the entire contract. The list of categories of work will be included as part of the Bid Form.

(c) The requirement to list subcontractors may be excluded when it would be clearly inappropriate. Determinations to exempt from the requirement shall be documented and retained in the contract file.

(d) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

a. For each of the categories of work contained in the list included as part of the Bid Form, the bidder shall submit the name and address of the firm to whom he proposes to subcontract the work. The list may be submitted with the bid or separately by telegraph, mail, or otherwise. If sent seperately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except in accordance with Instruction No. 7 of the Instructions to Bidders (Standard Form 22). Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories of work involved in the performance of this contract performed by any subcontractor other than the subcontractor named for the performance of such work.

b. The term "subcontractor" for the purpose of this requirement shall mean the individual or firm with whom the bidder proposes to enter into a subcontract for a listed category of work or material. If subcontracts are to be made with more than one subcontractor for a category of work or material, each proposed subcontractor shall be listed with a statement of the service to be furnished by each.

c. The bidder shall list himself if it is his intention to perform one or more of the listed categories of work. In this case, all personnel performing such work at the site shall be carried on his own payroll. If equipment is leased with operators, the operators need not be carried on bidder's payroll.

d. Nothing contained in the clause shall be construed as changing the percentage requirement in the General Conditions for the contractor to perform work with his own forces.

e. The Contractor shall be responsible for all work performed by subcontractors.

f. No substitutions for the firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval.

g. Notwithstanding any of the provisions of this clause, the contracting officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible; he shall have the right to require any information concerning the cost of performance of this contract by any subcontractor listed or proposed as a substitute for a listed subcontractor, as well as the right to require any other information he deems necessary concerning any listed subcontractor or subcontractor proposed as a substitute. Imposition of any requirements under this subparagraph shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged hereunder.

h. Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor.

i. In the event the bidder fails in connection with this bid either (1) to identify the subcontractors as required by subparagraph a., or (2) to comply with subparagraph c. the bid will be rejected as nonresponsive to the invitation.

j. In order to effectively implement the objectives of the foregoing provisions and to assure the timely receipt of accurate bids,

the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid, a written proposal (or written abstract) with or without price, outlining in detail the specific sections of the specifications to be included in their work as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

(e) Contracting officers shall treat separate submissions of lists of subcontractors in the same manner as submissions of bids with respect to timeliness of receipt, modification, or withdrawal. Bids, modifications, or withdrawals received after time set for opening of bids are late and may be considered only if their late receipt may be waived under instruction No. 7 of Instructions to Bidders (Standard Form 22).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 2, 1965, but may be observed sooner in the preparation of invitations to bid for contracts covered by these provisions.

Dated: June 2 ,1965.

WILLIAM A. SCHMIDT,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 65-5875; Filed, June 4, 1965; 8:47 a.m.]

Chapter 8—Veterans Administration

PART 8-1—GENERAL

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

1. In § 8-1.602-1, paragraph (c) is added to read as follows:

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

* * * * *

(c) Any contractor convicted of a criminal offense in connection with obtaining a Government contract, or in the performance of such contract, shall be debarred by the Veterans Administration and his name shall be entered on the debarred list. The General Counsel, upon receipt of a notice of conviction, shall transmit such information to the Director, Supply Management Service, for necessary action.

2. A new § 8-2.205-2 is added to read as follows:

§ 8-2.205-2 **Removal of names from bidders mailing lists.**

(a) Except as provided for in FPR 1-2.205-2, no Veterans Administration Contracting Officer shall remove from the bidders mailing list the name of any prospective bidder.

(b) If in the opinion of the Contracting Officer the performance of a contractor is so unsatisfactory as to warrant a recommendation for debarment, he shall document the evidence and submit it to the appropriate official, in accordance with § 8-1.606.

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

These regulations are effective immediately.

Approved: June 1, 1965.

By direction of the Administrator.

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

[F.R. Doc. 65-5872; Filed, June 4, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 65-17]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 27, 1965 (30 F.R. 832-842), and the Merchant Marine Council Public Hearing Agenda dated March 22, 1965 (CG-249), the Merchant Marine Council held a Public Hearing on March 22, 1965, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XI, inclusive. Item IX contained proposals regarding dangerous cargoes (CG-249, IX, pages 71 to 93, inclusive). This document is the fourth of a series regarding proposals considered by the Merchant Marine Council. The proposals in Item IX, as revised, are adopted and set forth in this document.

The oral and written comments received were considered and changes based thereon were made in the proposals designated 46 CFR 146.03-19, 146.07-5 (d) and 146.05-11(a). The proposed amendment to 46 CFR 146.05-11 extends certification requirements to shippers of Class C explosives. The Agenda noted that at the present time there is no certification required for such explosives and the Interstate Commerce Commission does not require such certification. Several accidents and near misses attributed to improper description have occurred with Class C explosives. The most recent serious explosion occurred February 25, 1965, on the 39th Street Pier, New York, N.Y., when a truck carrying materials manifested as "toy fire works" and "practical joke articles" exploded killing one man and injuring seven others, two critically. No warning markings were applied to the containers and the material was not properly packaged.

The 1960 Safety of Life at Sea Convention, which became effective May 26, 1965, requires that all dangerous cargoes carried aboard ship shall be certificated or declared as "properly packaged, marked and labeled and in proper condition."

For the above reasons, the proposed amendment to 46 CFR 146.05-11 regarding certificates is approved as set forth in the Agenda and is deemed necessary in order to provide for proper handling on board merchant vessels subject to the Dangerous Cargo Act (46 U.S.C. 170).

Attention is also invited to the fact that the present Dangerous Cargo Regulations require an importer to advise the foreign shipper of all the U.S. requirements governing transportation of specific dangerous cargoes, including the obligation of certifying shipments of explosives. The amendment to 46 CFR 146.05-11(a) in this document will remove the exception for Class C explosives so that in the future the certifications will be a standard practice for the shipment of all explosives.

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Order Nos. 60, 62, and 66 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this Document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on March 22, 1965.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of January 27, 1965 (30 F.R. 836, 837), are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or changes which are editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-14, dated November 26, 1954 (19 F.R. 8026), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective on July 1, 1965; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

Subpart 146.03—Definitions of Words and Terms Contained Within the Regulations in This Subchapter

1. Section 146.03–19 is amended by changing paragraph (a) to read as follows:

§ 146.03–19 Inside containers.

(a) The following abbreviations when used in the tables indicate that the substance is packed in "Inside Containers" of the following descriptions:

"WIC" means With Inside Containers, which may be glass, earthenware, metal, polyethylene or other authorized materials.

"WIL" means With Inside Liners, which include coatings resistant to the lading, applied to the inside of a container so as to prevent reaction with the construction material of a container.

"WIMC" means With Inside Metal Containers.

"WIML" means With Inside Metal Liners.

"WPL" means With Inside Paper Liners.

* * * * *

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04–5 [Amended]

2. Section 146.04–5 *List of explosives and other dangerous articles and combustible liquids*, is amended by adding certain items as follows:

Article	Classed as	Label required [1]
Items added		
* * *	* * *	* * *
Adhesives, n.o.s. (see "Cement, leather").	Inf. L.	Red.
* * *	* * *	* * *
Alkyl aluminum halides (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Aluminum alkyls (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Alyminum tributyl (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
1-Aziridinyl phosphine oxide (tris) (see "Tris-(1-Aziridinyl) phosphine oxide).	Cor. L.	White.
* * *	* * *	* * *
Diethyl magnesium (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Dimethyl magnesium (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Dimethyl zinc (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Etching acid liquid, n.o.s.	Cor. L.	White.
* * *	* * *	* * *
Hexachloroethane	Has.	
* * *	* * *	* * *
Pyroforic liquids, n.o.s.	Inf. L.	Red.
* * *	* * *	* * *
Sulfuryl fluoride	Noninf. G.	Green gas.
* * *	* * *	* * *
Tris-(1-Aziridinyl) phosphine oxide.	Cor. L.	White.
* * *	* * *	* * *
Items changed		
* * *	* * *	* * *
Aluminum triethyl (see "Pyroforic liquids, n.o.s.").		
Aluminum trimethyl (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Diethyl aluminum chloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Ethyl aluminum dichloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Ethyl aluminum sesquichloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Methyl aluminum sesquibromide (see "Pyroforic liquids, n.o.s.").		
Methyl aluminum sesquichloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.	Inf. L.	Red.
* * *	* * *	* * *
Pyroforic fuel (see "Pyroforic liquids, n.o.s.").		
Pyroforic solutions (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Triisobutyl aluminum (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Zinc ethyl (see "Pyroforic liquids, n.o.s.").		

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart 146.05—Shipper's Requirements Re: Packing, Marking, Labeling, and Shipping Papers

4. Section 146.05–5 is amended by adding paragraphs (l) and (m) as follows:

§ 146.05–5 I.C.C. specification containers.

* * * * *

(l) Where the regulations specify use of metal drums that may be constructed with full removable head, the opening size into the drum shall be restricted to the diameter size specified by the ICC regulations for the dangerous article concerned.

(m) Containers used for shipments of etching acid liquid, n.o.s. must not be reused for shipment of any commodity.

5. Section 146.05–11 is amended by changing paragraph (a) to read as follows:

§ 146.05–11 Certification.

(a) The shipper offering for transportation by vessels subject to the regulations in this part any Class A, Class B, or Class C explosive, and any inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison requiring labels, shall show the following certificate in the lower lefthand corner of the originating shipping paper over the written or stamped facsimile signature of the shipper or of his duly authorized agent:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

* * * * *

Subpart 146.06—Vessel's Requirements, Re: Acceptance, Handling, Stowage, etc.

6. Section 146.06–20 is amended by changing paragraph (a) to read as follows:

§ 146.06–20 Manifest; storage vessels.

(a) Magazine vessels used for the storage of explosives and other vessels used only for the storage of other dangerous articles or substances shall be subject to the provisions of §§ 146.06–12(a) and 146.06–12(c) applying to "Dangerous Cargo Manifest" or "Dangerous Cargo List."

* * * * *

Subpart 146.07—Railroad Vehicles, Highway Vehicles, Vans, or Portable Containers Loaded With Explosives or Other Dangerous Articles and Transported on Board Ocean Vessels

7. Section 146.07–5 is amended by changing paragraph (d) to read as follows:

§ 146.07–5 Permitted shipments.

* * * * *

(d) Railroad vehicles, highway vehicles, vans, and portable containers equipped with refrigerating or heating equipment using an inflammable (flammable) liquid or gas as fuel, and having such fuel in the fuel tank shall be transported only "On deck". Such equipment may be operated on board the vessel when the "On deck" stowage is provided. Equipment stowed on deck may be refueled under supervision of a qualified officer of the vessel assigned for such duty who shall ensure that adequate safety precautions are observed. Railroad vehicles, highway vehicles, vans, and portable containers having refrigerating or heating equipment operated by internal combustion engines using fuel other than an inflammable liquid or gas may be stowed and operated below deck provided the concentration of carbon monoxide does not exceed 100 parts per million as determined by a carbon monoxide detector. When necessary, a mechanical ventilation system of adequate capacity shall be utilized. The stowage shall be in accordance with the requirements of this part for the particular commodity. If the equipment is secured, and the fuel tank completely drained, the railroad vehicle, van, or portable container may be stowed in accordance with the requirements of this part and subpart without any further restrictions.

* * * * *

Subpart 146.09—Cargo Handling and Stowage Devices, U.S. Coast Guard Container Specifications

8. Section 146.09–1 is amended by changing paragraph (d) to read as follows:

§ 146.09–1 Magazines, location of.

* * * * *

(d) Construction and location of magazines for stowage of explosives other than as provided in this subpart or as

provided in § 146.20–16 shall be authorized by the Commandant of the Coast Guard.

9. Section 146.09–6 is amended by changing paragraph (f) to read as follows:

§ 146.09–6 Portable magazines for stowage of explosives.

* * * * *

(f) Portable magazines shall be stowed in the square of a tween deck hatch except when other stowage is authorized by § 146.20–16.

* * * * *

Subpart 146.20—Detailed Regulations Governing Explosives

10. Section 146.20–3 is amended by changing paragraph (q) to read as follows:

§ 146.20–3 Prohibited or not permitted explosives.

* * * * *

(q) New explosives except samples for laboratory examination and military explosives approved by the U.S. Army Materiel Command; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Force Systems Command and Commander, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Interstate Commerce Commission.

* * * * *

11. Section 146.20–23 is amended by changing paragraphs (b) and (g) to read as follows:

§ 146.20–23 Stowage of explosives with other dangerous articles.

* * * * *

(b) Class A or Class B explosives shall not be stowed in a hold or compartment immediately below an "On deck" stowage of 1 ton or less of inflammable liquids.

* * * * *

(g) Dynamite, commercial boosters and/or other nonpriming noninitiating types of explosives which are compatible with dynamite may be stowed with ammonium nitrate or nitro carbo nitrate as follows if the aggregate is considered Class A explosives:

(1) Stowage of these explosives in the same or adjacent holds or compartments to ammonium nitrate or nitro carbo nitrate is permitted provided the ammonium nitrate or nitro carbo nitrate is packaged in strong metal cans, metal, or fiber drums, barrels, kegs, or wooden or fiberboard boxes with noncombustible inside containers.

(2) These explosives and ammonium nitrate or nitro carbo nitrate in nonrigid combustible containers may be stowed in proximity if the two are separated by a steel deck or bulkhead or a fire retardant wooden bulkhead built to the specifications of § 146.09–2 sheathed on the oxidizing materials stowage side with 1-inch asbestos board. The oxidizing materials must be stowed in accordance with § 146.22–30(f).

* * * * *

Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

12. Section 146.21–55 is amended by changing paragraph (a) to read as follows:

§ 146.21–55 Smoking prohibited, warning signs.

(a) Smoking is prohibited in the vicinity of inflammable liquid cargo stowed "On deck" and in holds in which such cargo is stowed or in the vicinity of ventilators from such holds.

* * * * *

§ 146.21–100 [Amended]

13. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows:

A. Amend "Aluminum triethyl, etc." as follows:

(1) In columns 1 through 7, delete all text.

B. Amend "Ethylene imine, inhibited, etc." as follows:

(1) In column 4, add the following:

Authorized only for ethylene imine, inhibited, stowage "On deck" and "First deck below":
Tank cars complying with ICC regulations (trainships only).

C. Amend "Inflammable liquids, n.o.s., etc." as follows:

(1) In column 4, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoint 20° F. or below and having vapor pressure (Reid test) not over 16 p.s.i.a. at 100° F.:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal. cap.
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. (ICC–42H) not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC, not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B) WIC not over 65 lb. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC-51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).
Authorized only for export shipments:
Steel barrels or drums (ICC–17X) STC not over 55 gal. cap. Wooden boxes (ICC–15X) WIMC not over 10 gal. cap.

(b) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal cap.
(ICC–5M) not over 55 gal. cap.
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
(ICC–17H) not over 55 gal. cap.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M) NRC, WIC ICC–2SL, not over 55 gal. cap.
Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. (ICC–42H) not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap.
Fiberboard boxes:
(ICC–12A, 12B) WIC not over 65 lb. gr. wt.
(ICC–12E) WIMC not over 65 lb. gr. wt.
Fiber or plywood drums:
(ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
(ICC–21C) WIC ICC–2S, 2SL not over 30 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).
Authorized only for export shipments:
Steel barrels or drums (ICC–17X) STC not over 55 gal. cap.
Wooden boxes (ICC–15X) WIMC not over 10 gal. cap.

(2) In column 4, add the following:

(c) Inflammable liquids the vapor pressure of which exceeds 16 lbs. p.s.i.a. at 100° F.; but does not exceed 27 lbs. p.s.i.a. at 100° F.:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–11A, 11B) WIC not over 16 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap.
Fiber or plywood drums:
(ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
Aluminum barrels or drums:
(ICC–42B, 42C) not over 110 gal. cap.
(ICC–42H) not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(3) In column 4, add the following:

(d) Inflammable liquids the vapor pressure of which exceeds 27 lbs. p.s.i.a., at 100° F., but does not exceed 40 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–5, 5A) not over 110 gal. cap.
(ICC–5P) lagged, not over 61 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(4) In column 4, add the following:

(e) Viscous inflammable liquids having a vapor pressure which does not exceed 16 lbs. p.s.i.a., at 100° F.:

All containers listed in (a) and (b), irrespective of flashpoint.
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–37A, 37B) STC not over 5 gal. cap.
Aluminum barrels or drums (ICC–42F) not over 50 gal. cap.

(5) In column 4, add the following:

(f) Viscous inflammable liquids with flashpoint above 20° F. to 80° F., and having a vapor pressure which does not exceed 18 lbs. p.s.i.a., at 100° F.:

All containers listed in (c) and (d).
Steel barrels or drums (ICC–17E, 17H) STC not over 55 gal. cap.

(g) Flammable liquids which are also oxidizing materials or corrosive liquids as defined in §§ 146.22–1 and 146.23–1:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 17C (STC), 17E (STC)) not over 16 gal. cap.
(ICC–37P) WIL polyethylene, not over 5 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC polyethylene not over 65 lbs. gr. wt.
(ICC–12P) WIC ICC–2U not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A) WIC not over 1 gal. cap.

(6) In column 5, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B), WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B), WIC not over 65 lbs. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Fiber drum (ICC–21C), WIC ICC–2S, 2SL not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

(7) In column 6, delete "Outside containers" and subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoints above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a. at 100° F.:

Steel barrels or drums:
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B), WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B), WIC not over 65 lbs. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Fiber drum (ICC–21C), WIC ICC–2S, 2SL not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

(8) In column 7, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoint 20° F. or below and having vapor pressure (Reid test) not over 16 p.s.i.a. at 100° F.:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal. cap.
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
Aluminum barrels or drums (ICC–42B), 42C) not over 110 gal. cap.
(ICC–42H) not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B), WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B), WIC not over 65 lbs. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized only for export shipments:
Steel barrels or drums (ICC–17X), STC not over 55 gal. cap.
Wooden boxes (ICC–15X), WIMC not over 10 gal. cap.

(b) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a., at 100° F.:

All containers listed above.
Steel barrels or drums:
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10B) not over 50 gal. cap.
Fiberboard boxes:
(ICC–12E) WIMC not over 65 lbs. gr. wt.
Fiber drum:
(ICC–21C) WIC ICC–2S, 2 SL not over 55 gal. cap.

(c) Inflammable liquids the vapor pressure of which exceeds 16 p.s.i.a., at 100° F., but does not exceed 27 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–11A, 11B) WIC not over 16 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A, 19B) not over 10 gal. total cap.
Fiber or plywood drums:
(ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
Aluminum barrels or drums:
(ICC–42B, 42C) not over 110 gal. cap.
(ICC–42H) not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

(d) Inflammable liquids the vapor pressure of which exceeds 27 lbs. p.s.i.a., at 100° F., but does not exceed 40 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–5, 5A) not over 110 gal. cap.
(ICC–5P) lagged, not over 61 gal. cap.

(e) Viscous inflammable liquids having a vapor pressure which does not exceed 16 lbs. p.s.i.a., at 100° F.:

All containers listed in (a) and (b) irrespective of flashpoint.
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–37A, 37B) STC not over 5 gal. cap.
Aluminum barrels or drums (ICC–42F) not over 50 gal. cap.

(f) Viscous inflammable liquids with flashpoint above 20° F. to 80° F. and having a vapor pressure which does not exceed 18 lbs. p.s.i.a., at 100° F.:

All containers listed in (c) and (d).
Steel barrels or drums (ICC–17E, 17H) STC not over 55 gal. cap.

(g) Flammable liquids which are also oxidizing materials or corrosive liquids as defined in §§ 146.22–1 and 146.23–1:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 17C (STC), 17E (STC)) not over 16 gal. cap.
(ICC–37P) WIL polyethylene not over 5 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC polyethylene not over 65 lbs. gr. wt.
(ICC–12P) WIC ICC–2U not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A) WIC not over 1 gal. cap.

D. After "Methyl iso-propenyl ketone, inhibited", insert the following:

(1) In column 1, insert:

Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.

(2) In column 2, insert:

Highly inflammable.
Takes fire on contact with air.
Keep cool.

(3) In column 3, insert:

Red.

(4) In column 4, insert:

Stowage: "On deck protected."
Outside containers:

Steel barrels or drums:
(ICC–17C) STC, not over 55 gal. cap.
(ICC–37A) STC, WIMC not over 1 gal. cap. each, not over 5 gal. total cap.
Wooden boxes (ICC–15A, 15B, 15C), WIMC ICC–2A WIC glass or metal not over 1 qt. cap. each, not over 1 gal. net contents.
Fiberboard boxes (ICC–12A), WIMC ICC–2A WIC glass or metal not over 1 qt. cap. each, not over 1 gal. net contents. (ICC–12B), WIC glass not over 1 qt. cap. each, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lb. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(5) In columns 5, 6 and 7, insert:

Not permitted.

E. After "Pyridine, etc.", insert the following:

(1) In column 1, insert:

Pyroforic liquids, n.o.s.
Alkyl aluminum halides.
Aluminum alkyls.
Aluminum tributyl.
Aluminum triethyl.
Aluminum trimethyl.
Diethyl aluminum chloride.
Diethyl magnesium.
Dimethyl magnesium.
Dimethyl zinc.
Ethyl aluminum dichloride.
Ethyl aluminum sesquichloride.
Methyl aluminum sesquibromide.
Methyl aluminum sesquichloride.
Pyroforic fuel.
Pyroforic solutions.
Trilsobutyl aluminum.
Zinc ethyl.

(2) In column 2, insert:

Ignites spontaneously when exposed to air.
May react violently on contact with water.
Cylinders must have a minimum design pressure of 175 p.s.i.
Unless packed in strong wooden boxes and secured therein to protect valves, cylinders must be stowed with all valves and safety relief devices in the vapor space.

(3) In column 3, insert:

Red.

(4) In column 4, insert:

Stowage: "On deck protected."
Outside containers:
Steel barrels or drums:
(ICC–17C) STC, WIMC not over 1 gal. cap. each, not over 35 gal. net contents.
(ICC–37A) STC, WIMC not over 1 gal. cap. each, not over 5 gal. total cap.
Wooden boxes (ICC–15A, 15B, 15C), WIMC ICC–2A WIC glass or metal not over 1 qt. cap. each, not over 1 gal. net contents.
Fiberboard boxes (ICC–12A), WIMC ICC–2A WIC glass or metal not over 1 gal. net contents.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lb. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(5) In columns 5, 6, and 7, insert:

Not permitted.

Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

14. Section 146.22–15 is amended by changing paragraph (b) to read as follows:

§ 146.22–15 Stowage of oxidizing materials with explosives and other dangerous articles.

* * * * *

(b) Ammonium nitrate or nitro carbo nitrate may be stowed with dynamite, commercial boosters and/or other nonpriming noninitiating types of explosives which are compatible with dynamite as follows if the aggregate is considered Class A explosives:

(1) Stowage of ammonium nitrate or nitro carbo nitrate in the same hold or compartment with the explosives mentioned in this paragraph (b) or in holds or compartments adjacent to these explosives is permitted provided the ammonium nitrate or nitro carbo nitrate is packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with noncombustible inside containers.

* * * * *

§ 146.22–100 [Amended]

15. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

A. Amend "Lithium hydride, etc." as follows:

(1) In column 4, after "Lithium metal in cartridges containing more than 18 grams, etc.", insert the following:

Lithium metal in ribbon form not over ½ in. wide and 1/16 in. thick coated with heavy mineral oil or petrolatum may be accepted in fiberboard boxes (ICC–12B), WIMC, not over 1,600 ft. on reels.

B. Under *"Nitrates"*, amend "Nitro carbo nitrate, etc." as follows:

(1) In column 2, delete the paragraph "Do not stow in the same hold or compartment with combustible cargo, etc." and insert in lieu thereof:

Do not stow in the same hold or compartment with combustible cargo, explosives (except that nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with non-combustible inside containers may be stowed in a hold or compartment with dynamite, commercial boosters and/or other nonpriming, noninitiating types of explosives which are compatible with dynamite) or acids.
Stow away from chlorates.

C. Amend the following items as indicated:

1. Acetyl benzoyl peroxide, solutions, etc.

2. Acetyl peroxide solution, etc.

(1) In columns 4, 6, and 7, after "(ICC–12B) WIC, etc." insert the following:

(ICC–12B) WIC polyethylene, not over 5 gal. cap.

D. Amend "Perchlorates, etc." as follows:

(1) In columns 4, 6, and 7, add the following:

Authorized for ammonium perchlorate only: Portable tanks (ICC–53 aluminum) not over 84 cu. ft. cap.

E. Amend "Zirconium metal, wet, etc." as follows:

(1) In column 4, under "Metal barrels or drums" add the following:

(ICC–37P) NRC, not over 5 gal. cap.

Subpart 146.23—Detailed Regulations Governing Corrosive Liquids

§ 146.23–100 [Amended]

16. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

A. Amend "Allyl chloroformate, etc." as follows:

(1) In column 2, delete "Flashpoint below 20° F." and insert in lieu thereof:

Flash point 88° F.

B. Amend "Bromine" as follows:

(1) In column 4, under "Bromine which has been dried, etc." add the following:

Fiberboard boxes (ICC–12A) with not more than six inside glass containers of not over 1 qt. cap. ea.

C. Amend "Bromine pentafluoride" as follows:

(1) In column 4, delete "Cylinders, etc." and all subsequent text and insert in lieu thereof:

Cylinders (ICC–3A150, 3AA150, 3B240, 4B240, 4BA240, 3E1800) 3E1800 cylinders must be packed in strong wooden boxes.

D. Amend "Bromine trifluoride" as follows:

(1) In column 4, delete "Cylinders (ICC–3A150, etc." and insert in lieu thereof:

Cylinders (ICC–3A150, 3AA150, 3B240, 4B240, 4BA240, 3E1800) 3E1800 must be packed in strong wooden boxes.

E. Amend "Caustic potash, liquid, etc." as follows:

(1) In columns 6 and 7, delete "Motor truck vehicles having cargo tanks, etc." and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations.

F. Amend "Chlorine trifluoride" as follows:

(1) In column 4, delete "Cylinders (ICC–3A150, etc." and insert in lieu thereof:

Cylinders (3A150, 3AA150, 3E1800, 3B240, 4B240, 4BA240) 3E1800 cylinders must be packed in strong wooden boxes.

G. Amend "Chlorosulfonic acid, etc." as follows:

(1) In column 4, delete "Tank cars complying with ICC regulations" and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

H. After "Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, etc." add the following:

(1) In column 1, insert:

Etching acid, liquid, n.o.s.

(2) In column 2, insert:

A mixture of nitric acid, hydrofluoric acid, having nitric acid in concentrations of not more than 60 percent by weight, hydrofluoric acid in concentrations of not less than 4 percent by weight and water not less than 24 percent by weight, and may contain acetic acid.
All outside containers must be plainly marked "NONREUSABLE CONTAINER". All components of the package must not be reused.

(3) In column 3, insert:

White.

(4) In column 4, insert:

Stowage: "On deck protected."
Outside containers:
Cylindrical steel overpack (ICC-37M) WIC ICC-2S or 2SL not over 30 gal. cap.
Fiberboard box (ICC-12A) WIC polyethylene, not over 65 lbs. gr. wt.

(5) In columns 5, 6 and 7, insert:

Not permitted.

I. Amend "Hydrazine, anhydrous, etc." as follows:

(1) In column 2, change the text to read as follows:

A colorless, combustible liquid with an odor resembling ammonia.
Destroys organic substances and textiles.
Material reacts violently with acids and some oxidizing materials.
Exposure of hydrazine to air on a large surface area (as on rags) may result in spontaneous ignition.
Flash point 100° F.
Miscible with water.
Stow well away from other corrosive liquids or organic materials.

(2) In column 4, add the following:

Authorized for hydrazine solution only:
Cylindrical steel overpack: (ICC-37M) NRC WIC ICC-2SL not over 55 gal. cap.

J. Amend "Hydrochloric (muriatic) acid, etc." as follows:

(1) In column 4, add the following:

Paper-faced expanded polystyrene board boxes (ICC-12R) with not more than six 5-pint glass bottles.

K. Amend "Hydrofluoric acid" as follows:

(1) In column 4, add the following:

Hydrofluoric acid of 48 to 52 percent strength: Fiberboard boxes (ICC-12P) WIC ICC-2TL, not over 5 gal. cap.

L. Amend "Hydrofluosilicic acid" as follows:

(1) In column 4, delete:

Tank cars complying with ICC regulations.

(2) In column 4, under "Hydrofluosilicic acid of not over 40 percent strength may also be accepted in:" add the following:

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

M. Amend "Hydrofluoric acid, anhydrous" as follows:

(1) In column 2, add the following:

Cylinders removed from anhydrous hydrofluoric acid service shall not be reused for shipment of any other dangerous cargo.

N. Amend "Nitric acid" as follows:

(1) In column 4, under "Nitric acid of 72 percent or less concentration:" after "Polystyrene cases (ICC-33A), etc." insert the following:

Paper-faced expanded polystyrene board boxes (ICC-12R) with not more than six 5-pint glass bottles.

O. Amend "Perchloric acid *not in excess of 72 percent*" as follows:

(1) In column 4, after "Polystyrene cases (ICC-33A), etc." insert the following:

Paper-faced expanded polystyrene board boxes (ICC-12R) with not more than six 5-pint glass bottles.

P. Amend "Sodium chlorite solution, etc." as follows:

(1) In columns 6 and 7, delete "Motor truck vehicles, etc." and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations.

(2) In columns 4, 5, 6, and 7, after "Polystyrene cases (ICC-33A), etc." insert the following:

Paper-faced expanded polystyrene board boxes (ICC-12R) with not more than six 5-pint glass bottles.

Q. Amend "Sulfuric acid, etc." as follows:

(1) In columns 4, 6, and 7, under "For sulfuric acid of concentration not to exceed 95 percent, etc." add the following:

Paper-faced expanded polystyrene board boxes (ICC-12R) with not more than six 5-pint glass bottles.

R. After "Titanium tetrachloride" insert the following:

(1) In column 1, insert:

Tris-(1-Aziridinyl) phosphine oxide. (*Triethylenephosphoramide*).

(2) In column 2, insert:

Solution which may or may not be inflammable depending on the solvent used.

(3) In column 3, insert:

White.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Carboys, boxed, glass earthenware, clay or stone (ICC-1A) not over 5 gal. cap.
Carboys, boxed, lead (ICC-1B) not over 5 gal. cap.
Carboys in kegs, glass earthenware, clay or stone (ICC-1C) not over 5 gal. cap.
Carboys in plywood drums, glass (ICC-1E) not over 5 gal. cap.
Carboys, boxed, glass, earthenware, clay or stone. (ICC-1X) STC, for export only, not over 5 gal. cap.
Carboys, lead, metal-jacketed (ICC-2S) not over 5 gal. cap.
Metal barrels or drums:
(ICC-5B, 6J, 37A) WIC ICC-2S, not over 5 gal. cap.
(ICC-17H, 37A, 37B) STC, WIL polyethylene, not over 5 gal. cap.
(ICC-37P) NRC, not over 5 gal. cap.
(ICC-17C, 17E) STC, not over 5 gal. cap.
Rubber drums (ICC-43A) not over 5 gal. cap.
Wooden kegs: (ICC-10A) asphalt, paraffin or wax lined not over 5 gal. cap.
Wooden boxes:
(ICC-15A, 15B, 15C, 16A, 19A) WIC not over 5 gal. cap.
(ICC-16D) WIC ICC-2T, 2TL, or 2S, not over 5 gal. cap.
Fiberboard boxes:
(ICC-12A, 12B) WIC not over 5 gal. cap.
(ICC-12P) WIC ICC-2U not over 5 gal. cap.
Plywood or wooden box or drum (ICC-15P, 22C) WIC ICC-2T, not over 5 gal. cap.
Fiber drum (ICC-21C) WIC ICC-2S or 2U not over 5 gal. cap.

(5) In column 5, insert:

Not permitted.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 5 gal. cap.
Carboys, boxed, lead (ICC-1B) not over 5 gal. cap.
Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 5 gal. cap.
Carboys in plywood drums, glass (ICC-1E) not over 5 gal. cap.
Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 5 gal. cap.
Carboys, lead, metal-jacketed (ICC-2S) not over 5 gal. cap.
Metal barrels or drums:
(ICC-5B, 6J, 37A) WIC ICC-2S not over 5 gal. cap.
(ICC-17H, 37A, 37B) STC, WIL polyethylene, not over 5 gal. cap.
(ICC-37P) NRC, not over 5 gal. cap.
(ICC-17C, 17E) STC not over 5 gal. cap.
Rubber drums (ICC-43A) not over 5 gal. cap.
Wooden kegs: (ICC-10A) asphalt, paraffin or wax lined not over 5 gal. cap.
Wooden boxes:
(ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 5 gal. cap.
(ICC-16D) WIC ICC-2T, 2TL or 2S, not over 5 gal. cap.
Fiberboard boxes:
(ICC-12A, 12B) WIC not over 5 gal. cap.
(ICC-12P) WIC ICC-2U, not over 5 gal. cap.
Plywood or wooden box or drum (ICC-15P, 22C) WIC ICC-2T, not over 5 gal. cap.
Fiber drum (ICC-21C) WIC ICC-2S or 2U not over 5 gal. cap.

(7) In column 7, insert:

Ferry stowage (BB).
Outside containers:
Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 5 gal. cap.
Carboys, boxed, lead (ICC-1B) not over 5 gal. cap.
Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 5 gal. cap.
Carboys in plywood drums, glass (ICC-1E) not over 5 gal. cap.
Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 5 gal. cap.
Carboys, lead, metal-jacketed (ICC-2S) not over 5 gal. cap.
Metal barrels or drums:
(ICC-5B, 6J, 37A) WIC ICC-2S, not over 5 gal. cap.
(ICC-17H, 37A, 37B) STC, WIL polyethylene, not over 5 gal. cap.
(ICC-37P) NRC, not over 5 gal. cap.
(ICC-17C, 17E) STC, not over 5 gal. cap.
Rubber drums (ICC-43A) not over 5 gal. cap.
Wooden kegs: (ICC-10A) asphalt, paraffin or wax lined not over 5 gal. cap.
Wooden boxes:
(ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 5 gal. cap.
(ICC-16D) WIC ICC-2T, 2TL or 2S, not over 5 gal. cap.

Fiberboard boxes:
(ICC-12A, 12B) WIC not over 5 gal. cap.
(ICC-12P) WIC ICC-2U, not over 5 gal. cap.
Plywood or wooden box or drum (ICC-15P, 22C) WIC ICC-2T, not over 5 gal. cap.
Fiber drum (ICC-21C) WIC ICC-2S or 2U not over 5 gal. cap.

Subpart 146.24—Detailed Regulations Governing Compressed Gases

§ 146.24-100 [Amended]

17. Section 146.24-100 *Table G—Classification: Compressed gases* is amended as follows:

A. After "Sulfur hexafluoride" add the following:

(1) In column 1, insert:

Sulfuryl fluoride.

(2) In column 2, insert:

Noninflammable gas.
Colorless.
Stable under normal conditions.
Boiling point —52° C.
Toxic.
Heavier than air.

(3) In column 3, insert:

Green.

(4) In columns 4 and 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

(5) In column 6, insert:

Ferry stowage (AA).
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

(6) In column 7, insert:

Ferry stowage (BB).
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

Subpart 146.25—Detailed Regulations Governing Poisonous Articles

18. Section 146.25-21 is amended by changing paragraph (c) to read as follows:

§ 146.25-21 Fissile materials.

* * * * *

(c) For each shipment of fissile materials in excess of the quantities given in paragraph (b) of this section, the shipper shall supply the vessel with a certificate issued and signed by the shipper or his duly authorized representative as follows:

This is to certify that this package contains fissile (special nuclear) material and has been prepared for shipment in accordance with the packaging requirements and limitations established by the U.S. Atomic Energy Commission as conditions of AEC License SNM No. ____ (or the terms of Contract No. ____). This type of packaging and the contents thereof have been approved as (*insert the appropriate class according to those listed below*) and is safe for transport subject to the following conditions:
(List all conditions. If none, insert "None.")
Class I package—Safe from neutron interaction in any arrangement.
Class II package—Nuclearly safe in any arrangement in limited numbers.
Class III package—Nuclearly safe under special arrangement.

* * * * *

19. Section 146.25-25 is amended by changing paragraph (f) to read as follows:

§ 146.25-25 Exemptions for radioactive materials.

* * * * *

(f) Uranium, normal or depleted, in solid form (not borings, chips, or pieces) must be packaged in strong, tight fiberboard, wooden, or plywood boxes, or metal containers, and as such are exempt from specification packaging. Packages weighing more than 500 pounds must be mounted on skids. Each box shall bear the radioactive materials label as prescribed in § 146.05-17(w) unless exempted under paragraph (a) or (b) of this section.

§ 146.25-200 [Amended]

20. Section 146.25-200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

A. Amend "Carbolic acid (phenol) solid, etc." as follows:

(1) In columns 4, 5, 6, and 7, after "Fiberboard boxes, etc." insert the following:

Fiber drum (ICC-21C) WIMC ICC-2A, not over 50 lb. net wt.

Subpart 146.26—Detailed Regulations Governing Combustible Liquids

21. Section 146.26-20 is amended by changing paragraph (f) to read as follows:

§ 146.26-20 "On deck" stowage.

* * * * *

(f) When ICC specification 51 portable tanks not over 20,000 pounds gross weight, containing combustible liquids are stowed on deck of a passenger vessel, the area in way of each 21,000 U.S. gallons or less of combustible liquids shall be protected by one or more B-V semiportable foam (40 gal. capacity) or dry chemical (100 lbs. minimum capacity) fire extinguishers; or alternatively, by a fire hose fitted with an approved portable mechanical foam nozzle with pickup tube and two 5-gallon cans of foam liquid concentrate. When carrying commodities incompatible with the conventional foam system, the foam shall be of a type suitable for use with the lading. The fire extinguishers shall be located so as to be accessible in the event of fire occurring in the vicinity of the portable tanks.

Subpart 146.27—Detailed Regulations Governing Hazardous Articles

22. Section 146.27-25 is amended by changing subparagraph (d)(2) to read as follows:

§ 146.27-25 Requirements and conditions for loading, stowing and transporting baled cotton.

* * * * *

(d) * * *

(2) Inflammable liquids, inflammable compressed gases, inflammable solids, or oxidizing materials. These substances shall not be stowed in the same hold with cotton, nor in the hold above or the hold below one containing cotton. When possible these substances should not be stowed in a hold adjacent to a hold containing cotton. When it is impossible to provide such separation, these substances may be stowed in holds adjacent to one containing cotton: *Provided*, That the holds are separated by a tight steel bulkhead: *And provided further*, That the inflammable liquids, inflammable compressed gases, inflammable solids, or oxidizing materials are packed in metal containers.

* * * * *

§ 146.27-100 [Amended]

23. Section 146.27-100 *Table K—Classification: Hazardous articles* is amended as follows:

A. Amend "Automobiles, etc." as follows:

(1) In Note 2, change paragraph (e) to read as follows:

(e) Motor vehicles and mechanized equipment shipped by, for or to the Department of the Army, Navy, or Air Force may also contain 1 gallon of electrolyte (acid) or corrosive battery fluid in an approved inside container, tightly and securely closed, packed in a strong outside container. Inside glass containers shall be cushioned on all sides with incombustible material in sufficient quantity to completely absorb the fluid contents in event of breakage. The outside container must be so blocked, braced, or stayed within the vehicle or crate that it cannot change position during transit.

B. Amend "Fish scrap, or fish meal, etc." as follows:

(1) In columns 4, 5, 6, and 7, after "Double-walled paper bags" add the following:

Polyethylene lined burlap or paper bags.

C. After "Hemp" insert the following:

(1) In column 1, insert:

Hexachloroethane.

(2) In column 2, insert:

Colorless crystals with a camphor-like odor.
Insoluble in water.
Avoid inhalation of dust.
Avoid contact with the skin.
Should be stowed in spaces capable of being ventilated.
Stow away from living quarters and foodstuffs.
Do not stow with explosives, inflammable liquids, inflammable solids, corrosive liquids, or cotton.
Containers must be marked "Hexachloroethane".

(3) In column 3, insert:

No label required.

(4) In column 4, insert:

Stowage:
"On deck in open."
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:

Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for cargo vessels.

(5) In column 5, insert:

Stowage:
"On deck in open."
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for passenger vessels.

(6) In column 6, insert:

Ferry stowage (AA):
Outside containers:
Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for ferry vessels.

(7) In column 7, insert:

Ferry stowage (BB):
Outside containers:
Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for car ferries.

D. Amend "Naphthalene" as follows:

(1) In columns 4, 5, 6 and 7, after "Fiberboard boxes" add the following:

Metal drums.

Subpart 146.29—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

24. Section 146.29-5 is amended by changing the text to read as follows:

§ 146.29-5 Regulations not applicable.

Sections 146.02-11, 146.02-21, 146.03-3, 146.06-9, 146.09-1 to 146.09-6, inclusive, 146.10-6(b), 146.20-15 to 146.20-51, inclusive, 146.20-85, 146.20-87, 146.20-90, 146.20-100 to 146.20-300, inclusive, 146.23-25 (a), (b), 146.24-55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases or solids" appearing in §§ 146.25-100, 146.25-200, and 146.25-300; 146.27-5 to 146.27-20, 146.27-30, inclusive, and 146.27-100 are hereby declared inapplicable to the transportation of military explosives.

25. Section 146.29-41 is amended by changing paragraph (k) to read as follows:

§ 146.29-41 Weight per draft.

* * * * *

(k) Vans and portable magazines containing permitted explosives of Coast Guard Classes I and II, designed to be loaded and discharged in a loaded condition by "lift-on lift-off" method may be handled regardless of weight provided the rated working capacity of the cargo handling gear is not exceeded and provided further that the integrity of the handling gear is unimpaired. The volume of explosives that may be stowed in a van is not limited unless the van is being used as a portable magazine as described in § 146.29-89. Where the regulations require magazines, vans may not be used for stowage purposes unless they comply with the magazine requirements.

§ 146.29-100 [Amended]

26. Section 146.29-100—*Classification, handling, and stowage chart* is amended as follows:

A. Amend Class "II-C" as follows:

(1) In column 2, delete "Grenade, hand or rifle, etc." and insert in lieu thereof:

Grenade, hand or rifle, colored smoke (other than HC, WP, or WPW filled).

(2) In column 2, delete "Separate loading smoke projectiles, etc.", and insert in lieu thereof:

Separate loading smoke projectiles (other than HC, WP, WPW filled) when assembled with or without ejection charges and/or fuze.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1964, 19 F.R. 8026)

Dated: June 1, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-5854; Filed, June 4, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND PROCESSED FOOD PRODUCTS

PART 262—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

Definitions and Methods of Analysis

On March 5, 1965, the Food and Drug Administration published in the FEDERAL REGISTER (30 F.R. 2860) Definitions and Standards of Identity for Frozen Raw Breaded and Lightly Breaded Shrimp (21 CFR 36). Particular sections of these Definitions and Standards of Identity become effective 90 days after publication. On March 18, 1965, the Department of the Interior published in the FEDERAL REGISTER (30 F.R. 3598) a notice of proposed rule making to amend Part 262 of Title 50 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit comments upon the proposed amendments to Part 262. Due to the numerous comments submitted to the Department by interested persons, it would not be in the public interest at this time to adopt the proposed amendments to Part 262 as published.

Accordingly, notice is given that pursuant to the authority vested in the Secretary of the Interior by sections 203 and 205 of Title II of the Agricultural Marketing Act of 1946, as amended, it is proposed to adopt an interim amendment to Part 262 in order to bring Part 262 into conformity with the Definitions and Standards of Identity for Frozen Raw Breaded and Lightly Breaded Shrimp. This amendment to Part 262 is only a temporary and technical modification of Part 262. After all comments concerning the proposed notice of rule making, which was published on March 18, have been received and given full consideration, a new, comprehensive and revised Part 262 will be adopted.

Since the breaded shrimp industry must comply with certain mandatory requirements of the Definitions and Standards of Identity for Frozen Raw Breaded and Lightly Breaded Shrimp beginning June 3, 1965, and since this amendment achieves technical conformity of Part 262 with the Definitions and Standards of Identity regarding the calculation of the percent of shrimp material, notice and public procedure thereon have been deemed unnecessary and impracticable.

§ 262.21 Definitions and methods of analysis.

* * * * *

(i) *Percent shrimp material.* * * *

(2) * * *

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{weight of debreaded sample}}{\text{weight of sample}} \times 100 + 2$$

* * * * *

These regulations shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 6, 70 Stat. 1122; 16 U.S.C. 742a; secs 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

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

JUNE 3, 1965.

[F.R. Doc. 65-5928; Filed, June 4, 1965; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 94]

FIJI ISLANDS

Proposed Amendment of List of Countries Where Rinderpest or Foot-and-Mouth Disease Exists

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the information available to the U.S. Department of Agriculture indicates that neither rinderpest nor foot-and-mouth disease now exists in the Fiji Islands and that, pursuant to the provisions of section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), consideration is being given to amending § 94.1(a)(1) of the regulations (9 CFR 94.1(a)(1)) by inserting therein the words "the Fiji Islands," before the word "Greenland."

The proposed amendment would remove the designation of the Fiji Islands as a country where rinderpest or foot-and-mouth disease exists. Such action would remove the present prohibitions upon the importation of certain animals and meats from the Fiji Islands into the United States and would relieve the present restrictions upon the importation from such country of certain other animals, animal products and byproducts, hay, straw, and similar materials. Such prohibitions and restrictions are set forth in 9 CFR Parts 92, 94, and 95.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md., 20781, within 30 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-5897; Filed, June 4, 1965; 8:48 a.m.]

[9 CFR Part 94]

SWEDEN

Proposed Amendment of List of Countries Where Rinderpest or Foot-and-Mouth Disease Exists

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the information available to the U.S. Department of Agriculture indicates that neither rinderpest nor foot-and-mouth disease now exists in Sweden and that, pursuant to the provisions of section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), consideration is being given to amending § 94.1(a)(1) of the regulations (9 CFR 94.1(a)(1)) by adding thereto the word "Sweden" following the words "the Republic of Ireland."

The proposed amendment would remove the designation of Sweden as a country where rinderpest of foot-and-mouth disease exists. Such action would remove the present prohibitions upon the importation of certain animals and meats from Sweden into the United States, and would relieve the present restrictions upon the importation from such country of certain other animals, animal products and byproducts, hay, straw, and similar materials. Such prohibitions and restrictions are set forth in 9 CFR Parts 92, 94, and 95.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md., 20781, within 30 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-5898; Filed, June 4, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

COMPUTATION OF QUANTITIES OF SPECIAL NUCLEAR MATERIAL IN AGREEMENT STATES FOR PURPOSES OF EXEMPTION

Notice of Proposed Rule Making

Subsection 274b of the Atomic Energy Act of 1954, as amended, authorizes the Commission to enter into agreements with individual States for the discontinuance of Commission regulatory authority under the Act, with respect to certain atomic energy materials. Among those materials are special nuclear materials in quantities not sufficient to form a critical mass.

The Commission has, thus far, entered into agreements with nine States[1] pursuant to subsection 274b. It has also promulgated a regulation, 10 CFR Part 150, to carry out such agreements.

Section 150.10 of Part 150 exempts persons in agreement States who manufacture, produce, receive, possess, use, or transfer special nuclear material in quantities not sufficient to form a critical mass from the requirements for a license contained in the Act and from the Commission's licensing regulations. Paragraph (a) of § 150.11 sets out the quantities of special nuclear materials which are deemed to be not sufficient to form a critical mass. Paragraph (b) of that section provides, in effect, that in determining whether the exemption applies, the total quantity of special nuclear material which a person is authorized to receive, possess or use anywhere in a particular agreement State at any one time shall be included in the quantity computed under paragraph (a).

The Commission is now considering amending § 150.11(b) to provide that in determining whether the exemption of § 150.10 applies at any particular plant or other authorized location of use, only the material which the person is authorized to receive, possess, or use at that plant or location at any one time need be included in the computation. Even though the total quantity of special nuclear material which a person is authorized to possess or use within an agreement State may be sufficient to form a critical mass, no problems of accidental criticality are presented so long as the quantity of material possessed and used at any separate location at any one time is insufficient to form a critical mass.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (b) of § 150.11 is amended to read as follows:

§ 150.11 Critical mass.

* * * * *

(b) To determine whether the exemption granted in § 150.10 applies to the receipt, possession or use of special nuclear material at any particular plant or other authorized location of use, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use at the plant or other location of use at any one time.

[1] Referred to hereinafter as "agreement States."

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 1st day of June 1965.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 65-5876; Filed, June 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17]

[Docket No. 11665; FCC 65-457]

ANTENNA FARM AREAS

Termination of Proceeding

1. On March 29, 1956, the Commission issued a notice of proposed rule making intended to encourage the grouping of antenna towers of more than 500 feet in height in areas designated by the Airspace Panel of the Air Coordinating Committee and to encourage the multiple use of existing structures. A further notice of proposed rule making was released November 22, 1957, which included the recommendations of the Joint Industry-Government Tall Structures Committee as to new criteria for determining whether applications for antenna towers would require special aeronautical study.

2. The Federal Aviation Agency was created in 1958, among other things, to vest in a single agency authority over space management as it related to the aviation industry. An Executive Order of August 11, 1960, terminated the Air Coordinating Committee and many of its functions were thereafter assumed by the Federal Aviation Agency. On June 12, 1961, the Federal Aviation Agency adopted rules establishing the conditions under which it is to be notified of proposed construction or alteration of ground structures, to fix the criteria to be applied in determining whether proposed construction is a hazard, and to prescribe the procedures for conducting aeronautical studies and fact finding hearings and the establishment of antenna farms.[1]

3. In view of the termination of the Air Coordinating Committee, the procedures now set forth in Part 77 of the regulations of the Federal Aviation Agency with respect to consideration of proposed antenna towers, and the issuance today by the Federal Communications Commission of a Notice of Proposed Rule Making proposing to establish antenna farm areas, the Commission is of the view that further study of the comments and reply comments in this docket would serve no useful purpose.

4. In view of the foregoing: It is ordered, that this proceeding is terminated.

Adopted: May 26, 1965.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5880; Filed, June 4, 1965; 8:47 a.m.]

[Docket No. 16030; FCC 65-458]

[47 CFR Parts 1, 17, 73]

ANTENNA FARM AREAS

Establishment and Use

1. Notice is hereby given of rule making in the above-entitled matter.

2. The purpose of these proceedings is to insure and promote adequate broadcast coverage by providing a procedure which will facilitate the Commission's efforts to permit the construction of tall antenna towers and at the same time minimize the need for protracted hearings on such proposals, and to gear this procedure to the requirements of public safety in air transportation. The communications and aviation industries are both concerned with the use of airspace. The use of high antennas for communications is essential to a realization of the maximum of public service, particularly in the broadcasting service, but the existence of high towers may present difficulties for air navigation.

3. The Commission has long recognized that the matter of air safety is an important element of the public interest. Before the creation of the Federal Aviation Agency (FAA), the Commission followed the practice of seeking advice from aeronautical interests by way of the Airspace Subcommittee[3] of the Air Coordinating Committee (ACC). The ACC was established by Executive Order in 1946[4] and one of its purposes was to provide for the fullest development and coordination of aviation policies and activities of the Federal agencies represented in the ACC. All applications requiring special aeronautical study under Part 17 of the Commission's rules and regulations were submitted by the Commission to the appropriate Regional Airspace Subcommittee. This subcommittee, operating through regional offices, provided informal opportunity for government and private aviation interests to evaluate a prospective tower's effect upon local aeronautical activity and furnished machinery for the working out of a compromise mutually acceptable to the broadcaster and to the aviation interests. The findings of this subcommittee were sent to the Washington Airspace Panel, with a copy to the FCC. After consideration by the Washington Panel, its findings were then referred to the FCC for its determination. Since potential hazard to air safety is, as indicated above, an element of the public interest in considering communication applications, when the Airspace Panel advised the Commission that it could not unanimously determine that a proposed antenna tower structure would not result in an unacceptable hazard to air navigation, the Commission would designate the application for formal adjudicatory hearing. Although aviation organizations have intervened in our hearings on air hazard questions, the Commission, pursuant to section 307(a) of the Communications Act of 1934, as amended, must make the ultimate determination as to whether the public interest would be served by a grant of the applications. Moreover, section 303(q) of the Act authorizes the Commission to require the painting and/or illumination of broadcast towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

4. As early as 1957, the Civil Aeronautics Board stated that the administrative machinery set up could no longer cope with the complex problem of diminishing airspace on the one hand and the increased need for airspace on the other hand.[5] In 1958, the FAA was created. An early act of the FAA Administrator was to inform the Commission of FAA withdrawal from the Air Coordinating Committee and the Subcommittee on Airspace and of its recommendation, subsequently adopted, that the Committee be abolished. Thereafter an Executive Order terminated the ACC as of October 10, 1960, and many of its functions were assumed by the FAA. In major part, this resulted from the enactment of the Federal Aviation Act of 1958 which vested enlarged coordination responsibilities in the Administrator of the FAA and also provided expressly for certain types of interagency coordination.

5. The FAA and the FCC have worked closely together in considering antenna proposals, and although over 17,000 antenna proposals have been considered by both agencies since the ACC was terminated, relatively few serious difficulties have arisen regarding aeronautical hazards. Both agencies have established procedures to insure the sharing of airspace on a fair and equitable basis with maximum benefit to the public. Part 17 of the rules of the Federal Communications Commission prescribes certain procedures and standards with respect to the consideration of proposed antenna towers, which serve as a guide to persons who intend to apply for radio station licenses. Part 77 of the Federal Aviation Regulations[6] establishes standards for determining obstructions in navigable airspace, sets forth requirements for notice of proposed construction, pro-

[1] Adopted June 12, 1961, in Airspace Docket No. 60-WA-159, effective July 15, 1961, 26 CFR 5288.

[2] Commissioner Hyde absent.

[3] The Airspace Subcommittee was composed of representatives of the CAA, CAB, FCC, the Air Force, Army, and Navy. It was later changed to the Airspace Panel and was composed of the following members: Departments of Commerce, Army, Navy, and Air Force, the Civil Aeronautics Board, and the FCC.

[4] Executive Order 9781, as amended by Executive Order 10360, dated June 11, 1952, "establishing the Air Coordinating Committee."

[5] Notice of proposed rule making issued Aug. 3, 1957, 22 F.R. 6252.

[6] 14 CFR Part 77, Subpart F.

vides for aeronautical studies of obstruction, and for public hearings, and for the establishment of antenna farm areas. An FAA antenna farm consisting of a specific geographical location with established dimensions of area and height is created by the FAA on the proposal of the FAA, the FCC, the sponsor of a proposed tower or anyone with a substantial interest in such a tower. Each proposal is evaluated on the basis of its effect on the use of navigable airspace. The FAA advises the FCC of its proposal to establish the antenna farm and the Commission replies by letter, which is made public. If the Commission interposes no objection, rule making proceedings are instituted. If the Commission objects, it will, in its reply, set forth the reasons why it believes the proposal will interfere with its responsibilities. If the Commission so advises the FAA, the FAA will not publish the proposal. Section 77.83(b) of the FAA rules.

6. Despite the coordination between the FAA and the FCC, complex problems are arising because of the increase in the number and height of towers. Furthermore, as the number of UHF authorizations increases, it is imperative that provision be made for adequate sites for even taller structures than would be required to provide a comparable service using VHF alone. The continuing trend to more and higher towers (particularly in television and FM broadcasting) has indicated the advisability of the establishment by the FCC of antenna farm areas to accommodate such structures. In establishing such areas, we are concerned not only with aeronautical safety but also with making it simpler for the aviation industry to adjust their flight requirements to accommodate greater antenna heights than would be possible if antennas were scattered. Thus, with the establishment of antenna farm areas, it should be possible to authorize broadcast towers of greater height than would be otherwise possible, and at the same time minimize the need for protracted hearings on tall tower proposals. In this connection, we have been assured by the FAA that broadcasters may expect to obtain such greater antenna heights within antenna farm areas which may be established under the procedures proposed herein than would be possible under the procedures which are presently being followed.

7. The establishment of such taller towers, particularly in television, in a manner fully consistent with principles of aeronautical safety, will not only greatly benefit the communications industry and the public served thereby by making possible improved service to those already being served and new service to areas and populations now without service, but also will benefit the aviation industry as well as the general public by minimizing the hazards to air navigation. In this manner, the designation and implementation of such farm areas will enable the Commission to carry out more fully its statutory responsibility, to make available so far as possible to all of the people of the United States a rapid, efficient, nation-wide communications service. Further, establishment of such antenna farms should lead ultimately to the grouping in a minimum number of locations of all antennas for broadcast stations serving a particular community, with the result that orientation of receiving antennas will be more easily accomplished. This factor should be of great benefit to UHF broadcasters because of the more critical requirements involved in orienting UHF receiving antennas. We, therefore, propose to amend our rules as set forth below to provide for the establishment of antenna farm areas and to assure that in such designation the needs of the communications industry, as well as the effect of such designation on public safety in air transportation, will be given full consideration.

8. Although the proposal provides that proceedings will be instituted by the Commission on its own motion, the Commission will, of course, consider proposals for the establishment of antenna farms from the FAA and members of both the communications and aviation industries. In any event, no matter how the proposal arises, rule making will be initiated only after coordination with the FAA. If the FAA advises the Commission by letter of the reasons why it believes that the proposal would constitute a hazard to air navigation the rule-making proceeding will not be initiated. If the FAA does not acquiesce, and if the Commission cannot find a reasonable alternative in consultation with the FAA, then, of course, these rules will not apply. Nothing in this proposal shall be construed to mean that the Commission will establish only one antenna farm area for a community. We will consider on a case-by-case basis whether more than one such area should be designated. When a rule making proceeding is instituted by the Commission, in order to insure that the FAA has the benefit of all comments and information before making a determination as to whether a proposed antenna farm will constitute a hazard to air navigation, our rules will require that a copy of any comments filed with the Commission addressed to that question must also be filed with the FAA.

9. The provisions of this rule will apply to applications for new or modified facilities, including proposals to move antenna towers where the proposed height exceeds 1,000 feet above ground or to increase height above 1,000 feet above ground. The adoption of these rules would not impose any requirement on any existing station to move its antenna. When an antenna farm area has been established by the Commission, existing permittees and licensees will not be required to move their transmitting antennas to the farm area, but will be permitted to do so voluntarily if the proposal would comply with all the Commission rules, including the mileage separation rules.

10. We will establish an antenna farm area only after an appropriate rule making proceeding with full opportunity to all interested parties to participate. In each community for which an antenna farm is considered, it is our intention to establish, wherever possible, one or more antenna farms of sufficient size to permit the antenna structures for all television and FM channels assigned to such community to be located in one or more of the farms. We emphasize that we are very concerned about the integrity of our minimum spacing requirements. Every effort will be made to establish antenna farm areas at locations which meet all of the Commission's rules. If it should not be possible for us to establish an antenna farm or farms for a particular community that will accommodate the antenna structures for all assigned channels consistent with all mileage separation requirements, the establishment of an antenna farm or farms under such circumstances is not to be interpreted as an indication by the Commission that it will approve mileage shortages to permit a particular applicant to locate its antenna structure in the designated antenna farm or farms. Instead, we may authorize construction outside of a specified antenna farm area, if we find it to be in the public interest after giving due consideration to the aeronautical hazard problem, and if the proposal meets the separations and other requirements of our rules. Moreover, even if we should ultimately sanction a minor short spacing to accommodate a particular antenna structure in a designated antenna farm because of very special and overwhelming public interest considerations, such action would not serve as precedent for the filing of a request for short separations under any other circumstances. Where minor short spacing is sanctioned, it will be only on the basis of equivalent protection, and, therefore, we are proposing to amend §§ 73.209 and 73.612 of our rules as set forth below.[1]

11. We have provided in §§ 1.61(g) and 17.10 of the proposed new rules that an application for a construction permit proposing the erection of an antenna structure over 1,000 feet in height above ground on a channel assigned to a community for which we have formally designated one or more antenna farm areas will not be accepted for filing unless (a) it is proposed to locate the antenna structure in a designated antenna farm area, or (b) it is accompanied by a statement from the Federal Aviation Agency that the proposed structure will not constitute a hazard to air navigation. We recognize that there may be meritorious reasons for locating individual antenna towers outside of a designated farm, even though the FAA has not preliminarily approved the site. We will consider such requests for waiver as provided in § 1.3 of our rules.

12. While we hope to conclude this rule-making proceeding promptly, it may require some time to specify antenna farm areas in many communities. Pending such specification applications will, of course, be handled under existing procedures, and consideration thereof will not be delayed simply because an antenna farm proposal is pending or because none has yet been suggested.

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[1] We have not proposed equivalent protection standards in this proceeding. We have issued a Notice of Proposed Rule Making (Docket No. 16030) inviting comments on proposed new curves for VHF and UHF which will provide the basis for such equivalent protection.

13. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before September 30, 1965, and reply comments on or before October 15, 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.

15. In accordance with the provisions of § 1.415(b) of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 26, 1965.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

1. Section 1.61 is amended by adding a new subparagraph (g) as follows:

§ 1.61 Procedures for handling applications requiring special aeronautical study.

* * * * *

(g) Where one or more antenna farm areas have been designated for a community or communities (See § 17.19) an application for a construction permit proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

(1) It is proposed to locate the antenna structure in a designated antenna farm area, or

(2) It is accompanied by a statement from the Federal Aviation Agency that the proposed structure will not constitute an undue hazard to air navigation.

2. Part 17, Subpart B, is amended by adding new §§ 17.10, 17.18, and 17.19, and by amending § 17.11, to read as follows:

§ 17.10 Antenna structures over 1,000 feet in height.

Where one or more antenna farm areas have been designated for a community or communities (See § 17.19) the Commission will not accept for filing an application for a construction permit to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 1,000 feet above ground unless:

(a) It is proposed to locate the antenna structure in a designated antenna farm area, or

(b) It is accompanied by a statement from the Federal Aviation Agency that the proposed structure will not constitute an undue hazard to air navigation.

§ 17.11 Antenna structures over 500 feet up to and including 1,000 feet in height.

Where an antenna farm area or areas have been designated for a community or communities by the Commission, proposals for antenna structures over 500 feet and up to and including 1,000 feet above ground to be located outside of such area or areas will require special aeronautical study. With respect to communities for which no antenna farm area has been designated, special aeronautical study will be required for all proposals for antenna structures over 500 feet above ground.

§ 17.18 Establishment of antenna farm areas.

(a) An antenna farm area is defined as a geographical location, with established boundaries, designated by the Federal Communications Commission, in which antenna towers with a common impact on aviation may be grouped.

(b) Each such area will be established by appropriate rule-making proceedings, which may be commenced by the Commission on its own motion after consultation with the FAA. If the FAA advises the Commission in writing for stated reasons that establishment of the proposed antenna farm would constitute a hazard to air navigation, rule-making proceedings will not be instituted. Any person filing comments in the Commission's rule-making proceeding which concern the question of whether the proposed antenna farm will constitute a hazard to air navigation shall file a copy of the comments with the Administrator of the FAA. Proof of such filing shall be established in accordance with § 1.47 of this chapter.

(c) Nothing in this subpart shall be construed to mean that only one antenna farm area will be designated for a community. The Commission will consider on a case-by-case basis whether or not more than one antenna farm area shall be designated for a particular community.

§ 17.19 Designated antenna farm areas.

The areas described in the following paragraphs of this section are established as antenna farm areas: (appropriate paragraphs will be added as necessary).

3. Section 73.209 is amended by adding a new paragraph (c) as follows:

§ 73.209 Protection from interference.

* * * * *

(c) When the Commission determines that grant of an application would serve the public interest, convenience and necessity and the instrument of authorization specifies an antenna location in a designated antenna farm area which results in mileage separations less than those specified in this subpart, FM broadcast station permittees and licensees shall be afforded protection from interference equivalent to the protection afforded under the minimum mileage separations specified in this subpart.

4. Section 73.612 is amended, preceding the note, by designating the present text as paragraph (a) and adding new paragraph (b) as follows:

§ 73.612 Protection from interference.

* * * * *

(b) When the Commission determines that grant of an application would serve the public interest, convenience and necessity and the instrument of authorization specifies an antenna location in a designated antenna farm area which results in mileage separations less than those specified in this subpart, TV broadcast station permittees and licensees shall be afforded protection from interference equivalent to the protection afforded under the minimum mileage separations specified in this subpart.

[F.R. Doc. 65-5881; Filed June 4, 1965; 8:47 a.m.]

*Dissenting statement of Commissioners Bartley and Lee filed as part of the original document; Commissioner Hyde absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570; 1965 Revision]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JUNE 1, 1965.

This circular is published annually as of June 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	$37,566,000	All except Virgin Islands	CONN.—All except Virgin Islands.
Aetna Insurance Company, Hartford, Conn.	12,090,000	All except Canal Zone	CONN.—All except Canal Zone, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y.	2,155,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Conn., Hawaii, sIll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W.Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	95,000	Alaska, Fla., Ind., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eWis.
Allied Mutual Insurance Company, Des Moines, Iowa.	1,328,000	Ariz., Colo., Ind., Iowa, Kans., Minn., Nebr., N. Dak., S. Dak., Wyo.	IOWA—Ariz., D.C., Kans.
American Automobile Insurance Company, San Francisco, Calif.	3,994,000	All except Canal Zone, Puerto Rico, Virgin Islands	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Casualty Company of Reading, Pennsylvania, Reading, Pa.	2,933,000	All except Canal Zone, Virgin Islands	PA.—All except Virgin Islands.
American Central Insurance Company, New York, N.Y.	998,000	All except Canal Zone, Del., Idaho, La., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands.	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,183,000	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va., Wis.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	3,525,000	All except Canal Zone	MASS.—All.
American Fidelity Company, Manchester, N.H.	366,000	Conn., Me., Mass., Miss., N.H., R.I., Vt	VT.—All except Canal Zone, Kan., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	573,000	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., Puerto Rico, S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,506,000	All except Canal Zone, Del., La., Mass., Mo., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	18,424,000	Ala., Ariz., Ark., Colo., D.C., Fla., La., Miss., N. Mex., Okla., Pa., Tex.	TEX.—All except Conn., Del., Hawaii, eKy., Me., Md., Mass., Mich., N.H., N.J., N.Y., Puerto Rico, R.I., eTenn., Vt., Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,139,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla, nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	2,580,000	Ala., Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	568,000	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis.	TEX.—All except Alaska, wArk., Canal Zone, Hawaii, wMich., nOkla., Puerto Rico., Virgin Islands, wVa.
The American Insurance Company, San Francisco, Cal.	12,038,000	All except Canal Zone, Virgin Islands	N.J.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	601,000	All except Canal Zone, Del., Hawaii, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—All except nAla., Ark., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., nPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,170,000	All except Alaska, Del., Hawaii, Idaho, Oreg	ILL.—All except Alaska, Ark., Canal Zone, Del., Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	4,360,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	1,055,000	All except Canal Zone, Conn., Del., Ga., Idaho, Kans., La., Me., Mass., Mich., N.J., N.C., N. Dak., Pa., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands, Wis.	N.Y.—All.
American Re-Insurance Company, New York, N.Y.	6,022,000	All except Fla., N. Mex	N.Y.—All.
American States Insurance Company, Indianapolis, Ind.	2,177,000	Ark., Colo., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Nebr., N.J., Ohio, Okla., Pa., Wis.	IND.—Colo., D.C., Ill., Iowa, Kans., Ky., Mich., Mo., Ohio, Pa., Wis.
Argonaut Insurance Company, Menlo Park, Cal.	924,000	Alaska, Ariz., Ark., Cal., Colo., D.C., Hawaii, Idaho, Ill., Iowa, La., Mass., Minn., Miss., Mont., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Oreg., S.C., Tex., Utah, Vt., Wash., Wyo.	CAL.—D.C., nGa., Idaho.
Associated Indemnity Corporation, San Francisco, Cal.	1,058,000	All except Canal Zone, Virgin Islands	CAL.—nAla., Ariz., D.C., sFla., eMo., Mont., Nebr., Nev., sN.Y., wOkla., Oreg., Tex., Utah, Wash.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Atlantic Insurance Company, Dallas, Tex.	$1,068,000	Ala., Ariz., Ark., Cal., Ga., Ill., Ind., Kans., Md., Mo., Nev., N. Mex., N.C., Ohio, Tenn., Tex., Utah.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Mo., Nev., N.J., N. Mex., N.C., Ohio, Okla., ePa., S.C., nTenn., Utah.
Atlantic Mutual Insurance Company, New York, N.Y.	4,279,000	All except Ala., Canal Zone, Hawaii, La., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	1,415,000	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	411,000	All except Ala., Ark., Canal Zone, Iowa, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	536,000	All except Alaska, Cal., Canal Zone, Del., Ga., Hawaii, Idaho, Kans., La., Me., Miss., N.H., N.C., Oreg., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,297,000	All except Canal Zone, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Beneficial Fire and Casualty Insurance Company, Los Angeles, Cal.	433,000	Alaska, Ariz., Cal., Colo., D.C., Md., Mich., Minn., Mont., Nebr., Nev., N. Mex., N.Y., Okla., R.I., Wash., Wyo.	CAL.—D.C.
Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh, Pa.	725,000	All except Ark., Canal Zone, Del., Ga., Hawaii, Idaho, Mass., N.H., N.J., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Insurance Company, Boston, Mass.	2,847,000	All except Canal Zone, Idaho, Oreg.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, N. Dak., Oreg.
The Buckeye Union Casualty Company, Columbus, Ohio.	2,562,000	Ind., Ky., Mich., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Wash., W. Va.
Buffalo Insurance Company, Buffalo, N.Y.	490,000	Ala., Alaska, Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., Miss., Mo. (fidelity only), Mont., Nebr., Nev., N.H. (reinsurance only), N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Utah (fidelity only), Vt., Wash., W. Va. (surety only), Wis., Wyo.	N.Y.—D.C.
The Camden Fire Insurance Association, Camden, N.J.	2,747,000	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	117,000	Iowa, Mich., Minn., Wis.	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	316,000	Cal., Idaho, Mont., Nev., Oreg., Utah, Wash.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	288,000	Colo., D.C., Ill., Ind., Kans., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va., Wis.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	962,000	All except Ala., Canal Zone, La., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
Central Mutual Insurance Company, Van Wert, Ohio.	903,000	All except Ala., Ark., Canal Zone, Hawaii, La., Nebr., N. Dak., Oreg., Puerto Rico, S. Dak., Tenn., Tex., Virgin Islands, Wis.	OHIO—D.C.
Central Surety and Insurance Corporation, New York, N.Y.	996,000	All except Canal Zone, Hawaii, N. Mex., Puerto Rico, Virgin Islands.	MO.—All except Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio.	314,000	Ala., Fla., Ga., Ind., Ky., Ohio.	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Citizens Casualty Company of New York, New York, N.Y.	100,000	All except Canal Zone, Hawaii, Ohio, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Virgin Islands.
Citizens Insurance Company of New Jersey, Hartford, Conn.	975,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.J.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	2,374,000	Ala., Alaska, Ariz., Ark., Cal., Canal Zone, Colo., Conn., Del., D.C., Fla., Ga., Guam, Hawaii, Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., S. Dak., Tenn., Tex., Utah, Vt., Va., Virgin Islands, Wash., W. Va., Wis., Wyo.	N.J.—All.
Commercial Union Insurance Company of New York, New York, N.Y.[1]	10,857,000	All except Canal Zone.	N.Y.—All except Canal Zone.
The Connecticut Fire Insurance Company, Hartford, Conn.	8,008,000	All except Canal Zone, Puerto Rico, Virgin Islands.	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Indemnity Company, New Haven, Conn.	948,000	All except Alaska, Canal Zone, Del., Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	162,000	Ill., Ind., Ky., Mich., Ohio.	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	498,000	All except Ala., Alaska, Canal Zone, Del., La., S.C.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	33,794,000	All.	ILL.—All except Canal Zone, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	118,139,000	All except Hawaii, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	951,000	Ala., Ark., Cal., Conn., D.C., Fla., Ga., Ill., Ind., La., Me., Md., Mass., Mich., Mo., N.H., N.J., N.Y., N.C., Okla., Pa., Puerto Rico, R.I., S.C., Tenn., Tex., Vt., Va., W. Va., Wis.	N.Y.—D.C.
Emmco Insurance Company, South Bend, Ind.	1,970,000	Alaska, Ind., N.Y., Vt., Wyo.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	69,000	Ala., Alaska, Ariz., Colo., Ga., Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,011,000	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	1,513,000	All except Canal Zone.	MASS.—All except Canal Zone.
Employers Mutual Casualty Company, Des Moines, Iowa.	1,844,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, Ky., La., Me., Mass., Mont., Nev., Okla., Oreg., Pa., Puerto Rico, R.I., Tenn., Utah, Virgin Islands, W. Va., Wyo.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.

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COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	$10,438,000	All except Canal Zone, Virgin Islands	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	4,515,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MO.—All.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,584,000	All except Ala., Alaska, Ariz., Canal Zone, Del., Ga., Mont., N.C., Oreg., Puerto Rico, S.C., S. Dak., Virgin Islands, W. Va.	R.I.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Export Insurance Company, Houston, Tex.	423,000	All except Canal Zone, D.C., Fla., Hawaii, Kans., Ky., Me., Mich., Nebr., N.J., Ohio, Oreg., Pa., Puerto Rico, S. Dak., Tenn., Utah, Va., Virgin Islands, Wash., Wis.	N.Y.—D.C.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.	300,000	Colo., Ill., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Tex., Wis., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa.	1,081,000	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	16,620,000	All	N.J.—All.
Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn.	973,000	All except Alaska, Cal., Canal Zone, Del., Hawaii, Idaho, La., Me., Mass., Nev., Oreg., Pa., Puerto Rico, Tex., Virgin Islands, Wis.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	14,781,000	All except Virgin Islands	N.Y.—All except Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	7,461,000	All	MD.—All.
Fidelity-Phenix Insurance Company, New York, N.Y.	4,743,000	All except Canal Zone, Oreg., Virgin Islands	N.Y.—All except Virgin Islands.
Fireman's Fund Insurance Company, San Francisco, Cal.	36,805,000	All except Canal Zone	CAL.—All.
Firemen's Insurance Company of Newark, N.J., New York, N.Y.	14,589,000	All except Puerto Rico	N.J.—All except Canal Zone.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	763,000	Guam, Hawaii, Oreg.	HAWAII—D.C.
The Fulton Insurance Company, New York, N.Y.	261,000	All except Ala., Canal Zone, Del., Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., Canal Zone, Del., Ga., Idaho, Puerto Rico, Virgin Islands, eWash.
General Fire and Casualty Company, New York, N.Y.	585,000	All except Canal Zone, Ga., Hawaii, N. Dak., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	15,034,000	All except Puerto Rico, Virgin Islands	WASH.—All except Puerto Rico, Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	8,619,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Canal Zone, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	7,812,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	6,671,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	1,108,000	All except Ala., Alaska, Canal Zone., Del., Hawaii, Idaho, Me., Nev., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa., Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	472,000	All except Canal Zone, Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Puerto Rico.
Great American Insurance Company, New York, N.Y.	29,304,000	All except Canal Zone	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	663,000	Ariz., Ill., Iowa, Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	1,774,000	All except Alaska, Ariz., Ark., Canal Zone, Colo., Del., Hawaii, Idaho, Kans., La., Mo., N. Dak., Ohio, Puerto Rico, S.C., Tenn., Virgin Islands, W. Va.	N.Y.—D.C.
Guarantee Insurance Company, Los Angeles, Cal.	505,000	Alaska, Ariz., Ark., Cal., Colo., Fla., Hawaii, Idaho, Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	117,000	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—Alaska, D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	6,239,000	Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., La., Md., Mich., Miss., Mo., Nev., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Utah, Wash., Wyo.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., mTenn., Utah.
The Hanover Insurance Company, New York, N.Y.	5,725,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All.
Hardware Mutual Casualty Company, Stevens Point, Wis.	1,642,000	All except Canal Zone, Idaho, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	28,478,000	All	CONN.—All except Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	63,078,000	All except Canal Zone	CONN.—Ariz., Cal., D.C., La., N.Y.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	947,000	Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Pa., S. Dak., Utah, Va., Wyo.	IOWA—Colo., D.C., Fla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	235,000	All except Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Me., Mass., Minn., Mo., N.H., N.J., N.Y., N. Dak., Ohio, Oreg., Pa., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands, W. Va., Wis.	TEX.—D.C., La.
The Home Indemnity Company, New York, N.Y.	5,248,000	All except Alaska, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	38,201,000	All except Canal Zone	N.Y.—D.C., Puerto Rico.
Home Owners Insurance Company, Chicago, Ill.	197,000	Ariz., Fla., Ga., Ill., Ind., Minn., Miss., Mo., Nev., Tenn.	ILL.—Ariz., D.C., sFla., Minn.
Hudson Insurance Company, New York, N.Y.	393,000	N.Y.	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	520,000	Ill., Ind., Iowa, Ky., Ohio	ILL.—All except Canal Zone, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	53,000	Ind	IND.—
Indiana Insurance Company, Indianapolis, Ind.	689,000	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	1,517,000	Alaska, Ariz., Ark., Cal., Colo., Fla., Guam, Hawaii, Idaho, Ill., La., Md., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., Hawaii, Idaho, nIll., eLa., eMo., Mont., Nebr., Nev., N. Mex., wOkla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Inland Insurance Company, Lincoln, Nebr.	$382,000	Iowa, Minn., Nebr., S. Dak.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	83,349,000	All.	PA.—All.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	948,000	Ala., Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
International Fidelity Insurance Company, Newark, N.J.	48,000	Mass., Mich., N.J., N.Y., Pa.	N.J.—All except Alaska, Virgin Islands.
International Service Insurance Company, Fort Worth, Tex.	143,000	Alaska, Canal Zone, N. Mex., Tex.	TEX.—
Interstate Insurance Company, Cranford, N.J.	315,000	N.J.	N.J.—
Iowa Mutual Insurance Company, DeWitt, Iowa.	345,000	Ala., Colo., Fla., Ga., Ill., Iowa, Kans., La., Minn., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y.	848,000	All except Alaska, Ariz., Canal Zone, Del., Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, eKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	488,000	All except Canal Zone, Del., Hawaii, Oreg., Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	61,000	Tex.	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	19,013,000	All except Virgin Islands.	MASS.—All except Canal Zone.
Lumbermens Mutual Casualty Company, Chicago, Ill.	6,250,000	All except Canal Zone, Puerto Rico, Virgin Islands.	ILL.—All except Canal Zone, Hawaii, wLa., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	336,000	Colo., Conn., Fla., Me., Md., Mass., N.H., N.Y., Oreg., R.I., Tenn., Tex., Vt., Va.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, New York, N.Y.	1,422,000	All except Canal Zone, Conn., Del., La., Me., Mass., N. Dak., Oreg., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland Casualty Company, Baltimore, Md.	15,409,000	All.	MD.—All.
Maryland National Insurance Company, Bel Air, Md.	169,000	Ariz., Ark., Fla., Ga., Ill., Ind., Ky., La., Md., Mich., Minn., Mo., Nev., N. Dak., Ohio, Okla., Oreg., Pa., S.C., Tenn., Tex., Va., Wash., W. Va.	MD.—All except sAla., Alaska, sCal., Canal Zone, Colo., Hawaii, Me., N.H., N.Y., N.C., Puerto Rico, wS.C., wTex., Virgin Islands.
Massachusetts Bay Insurance Company, New York, N.Y.	326,000	Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., Ga., Ind., Iowa, Kans., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Fire Assurance Corporation of New York, Baltimore, Md.	7,778,000	Cal., Conn., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Mo., Nebr., N.J., N.Y., N.C., Ohio, Pa., R.I., W. Va., Wis.	N.Y.—Cal., D.C., Fla., nIll., eLa., Me., Md., Mass., Mich., Minn., N.C., N.Dak., Oreg., ePa., eS.C., wsTex., Vt., eVa., wWash.
Merchants Indemnity Corporation of New York, Baltimore, Md.	3,416,000	Cal., Conn., D., Ga., Ill., Ind., Iowa, Md., Mich., Minn., Mo., Nebr., N.J., N.Y., Ohio, Okla., Pa., Utah, Wash., Wis.	N.Y.—D.C., nGa., N.J., Ohio, wWash.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,096,000	All except Ala., Alaska, Ariz., Canal Zone, Ga., Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wnTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	940,000	All except Canal Zone, Del., Hawaii, Me., Minn., Oreg., Puerto Rico, Tex., Virgin Islands, W. Va., Wyo.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	864,000	All except Ala., Alaska, Canal Zone, Conn., Del., D.C., Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	294,000	Ga., Ind., N.Y., N.C., Pa., S.C., Vt.	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Forth Worth, Tex.	536,000	All except Ala., Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Nev., N.J., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wash., W. Va., Wyo.	TEX.—All except Ala., Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Nev., N.H., N.J., N.C., nPa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wash., W. Va., eWis., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1,306,000	Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tex., Vt., Va., Wash., W. Va., Wis., Wyo.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	429,000	All except Alaska, Canal Zone, Del., Hawaii, La., Me., Miss., N.H., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Milwaukee Insurance Company of Milwaukee, Wis., New York, N.Y.	3,025,000	All except Canal Zone, Puerto Rico, Virgin Islands.	WIS.—All.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,634,000	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	375,000	Alaska, Ariz., Cal., Colo., Idaho., Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	1,298,000	All except Canal Zone, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C., Md.
National Casualty Company, Detroit, Mich.	1,000,000	All except Ariz., Canal Zone, Hawaii, Puerto Rico, S.C., Virgin Islands.	MICH.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	10,563,000	All.	CONN.—All except Ariz., Canal Zone, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	2,130,000	Conn., D.C., Fla., Ill., Ind., Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Vt., W.Va., Wis.	N.H.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	462,000	All except Canal Zone, Conn., Fla., Ga., Hawaii, Me., Mass., N.H., N.J., N.Y., Ohio, Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands.	NEBR.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	3,072,000	All except Ala., Alaska, Cal., Canal Zone, Del., Fla., Ga., Hawaii, Kans., La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	284,000	Colo., La., N. Mex., Tex.	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y., Home Office: San Francisco, Cal.	3,357,000	All except Puerto Rico, Virgin Islands.	N.Y.—All.

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National Union Fire Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	$3,424,000	All except Canal Zone, Puerto Rico, Virgin Islands	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
National Union Indemnity Company, Pittsburgh, Pa.	629,000	All except Ark., Canal Zone, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	1,570,000	All except Cal., Canal Zone, Hawaii, Nebr., N. Mex., Virgin Islands, Wis.	OHIO—D.C.
New Amsterdam Casualty Company, Hartford, Conn.	5,363,000	All except Canal Zone, Idaho, Virgin Islands	N.Y.—All except Canal Zone, Virgin Islands.
New Hampshire Insurance Company, Manchester, N.H.	4,003,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.H.—All.
New York Underwriters Insurance Company, New York, N.Y.	2,238,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	1,941,000	All except Canal Zone, Oreg., Puerto Rico, Virgin Islands	N.J.—All except Alaska, nCal., Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	8,860,000	All except Canal Zone, Hawaii, Oreg.	N.Y.—All except Canal Zone.
North American Reinsurance Corporation, New York, N.Y.	4,201,000	All except Canal Zone, Kans., S. Dak., Tenn., Virgin Islands.	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
The North River Insurance Company, New York, N.Y.	6,413,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
North Star Reinsurance Corporation, New York, N.Y.	242,000	Ark., Cal., D.C., Ill., Iowa, Kans., Mich., Nev., N.H., N.J., N.Y., Utah, W. Va.	N.Y.—D.C.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	1,115,000	Cal., Colo., Conn., Ill., Iowa, Kans., Mich., N.H., N.J., N.Y., Ohio, Okla., Tex.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	1,246,000	All except Canal Zone, Virgin Islands	MASS.—All except Canal Zone, Minn., Virgin Islands, sW. Va.
Northern Insurance Company of New York, New York, N.Y.	3,866,000	All except Canal Zone, Conn., Fla., Hawaii, La., N.H., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.[3]	787,000	Ala., Ariz., Cal., Iowa, Minn., Mont., Nebr., N. Mex., Pa., Wis.	WIS.—Cal., D.C., nnFla., Idaho, wLa., eMo., Vt.
Northwestern National Insurance Company, Milwaukee, Wis.	4,832,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except Canal Zone, nnFla., Hawaii, Idaho, wLa., Puerto Rico, Vt., Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	3,741,000	All except Alaska, Canal Zone, Hawaii, Idaho, Me., N.Y., Puerto Rico, Virgin Islands.	OHIO—All except Canal Zone, Hawaii, Virgin Islands.
Ohio Farmers Insurance Company, LeRoy, Ohio.	1,789,000	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nev., N.J., N.Y., N. Dak., Ohio, Okla., Pa., R.I., S. Dak., Va., W. Va., Wis.	OHIO—All except sAla., Alaska, Canal Zone, sGa., Hawaii, Me., N.H., wN.Y., Puerto Rico, wVa., Virgin Islands.
Old Colony Insurance Company, Boston, Mass.	826,000	All except Canal Zone, Hawaii, Idaho, Oreg., S. Dak., Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, Nev., N. Dak., Oreg., Virgin Islands.
Olympic Insurance Company, Los Angeles, Cal.	1,106,000	All except Ala., Ark., Canal Zone, Colo., Del., Fla., Ga., Hawaii, La., Me., Md., Mass., N.J., N.Y., N.C., Ohio, Puerto Rico, R.I., S. Dak., Tenn., Va., Virgin Islands, W. Va.	CAL.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	388,000	Cal., Hawaii, Idaho, Nev., Oreg., Utah, Wash.	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	1,149,000	All except Ala., Ark., Canal Zone, Conn., D.C., Fla., Ga., Hawaii, Ky., La., Me., Md., Mass., Mich., N.H., N.Y., N.C., N. Dak., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	3,020,000	All except Canal Zone, Puerto Rico, Virgin Islands	CAL.—All except Conn., Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, Limited, Honolulu, Hawaii.	709,000	Hawaii	HAWAII—D.C.
Pacific Insurance Company of New York, New York, N.Y.	1,871,000	All except Alaska, Canal Zone, Hawaii, Me., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Peerless Insurance Company, Keene, N.H.	712,000	All except Canal Zone, Hawaii	N.H.—All except Hawaii, Virgin Islands.
The Pennsylvania Insurance Company, New York, N.Y.	2,325,000	All except Canal Zone, Puerto Rico	PA.—All except Canal Zone, Puerto Rico.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.[3]	1,745,000	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va.	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,121,000	D.C., Pa.	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	922,000	Ala., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Vt., Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Mo., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	1,788,000	All except Canal Zone, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	16,363,000	All except Canal Zone, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	1,569,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except Canal Zone, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	4,932,000	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., Okla., N.J., N. Mex., N.Y., N.C., Ohio, Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ariz., Ark., Canal Zone, Del., sGa., Hawaii, Idaho, eIll., nInd., nIowa, eKy., Me., nMiss., Mont., Nev., N.H., N. Dak., eOkla., Oreg., Puerto Rico, S.C., S. Dak., wTex., Vt., Va., Virgin Islands.
Progressive Mutual Insurance Company, Cleveland, Ohio.	334,000	Ohio	OHIO—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,789,000	All except Canal Zone, Del., Idaho, La., N.C., N. Dak., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
Provident Insurance Company of New York, New York, N.Y.	523,000	All except Ariz., Ark., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., La., Me., Miss., Mont., Oreg., Puerto Rico, S.C., Virgin Islands.	N.Y.—sCal., D.C., eN.C., Tenn., Va., W. Va.
Prudence Mutual Casualty Company, Chicago, Ill.	112,000	Ala., Fla., Ga., Ill., Ind., Ky., Miss., Mo., N. Mex., S.C., Tenn.	ILL.—D.C., Fla., Ind., Miss., Mo.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	1,002,000	N.Y.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,905,000	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., ePa., wTex.
Queen Insurance Company of America, New York, N.Y.	4,900,000	All except Canal Zone, Oreg., Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Reinsurance Corporation of New York, New York, N.Y.	$3,119,000	Alaska, Ark., Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Me., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N.Y., N.C., N. Dak., Ohio, Okla., R.I., S.C., Tex. (reinsurance only), Utah (reinsurance only), Vt., Va. (reinsurance only), Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
Reliable Insurance Company, Chicago, Ill.	189,000	All except Ark., Canal Zone, Conn., Hawaii, La., N.Y., Oreg., Puerto Rico, R.I., Tenn., Vt., Va., Virgin Islands, Wash.	OHIO—D.C.
Reliance Insurance Company, Philadelphia, Pa.	19,497,000	All except Canal Zone	PA.—All except Canal Zone.
Republic Insurance Company, Dallas, Tex.	2,843,000	All except Ala., Alaska, Del., Fla., Ga., Hawaii, Idaho, Ky., Me., Mass., Mich., Mont., Nev., N.H., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Tenn., Utah, Vt., Virgin Islands, Wyo.	TEX.—D.C.
Resolute Insurance Company, Hartford, Conn.	642,000	All except Canal Zone, La., N.Y., Puerto Rico, Virgin Islands.	R.I.—All except wArk., Canal Zone, nGa., Hawaii, eKy., La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	5,186,000	All	N.Y.—All except Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	1,700,000	All except Canal Zone, Del., Puerto Rico, Virgin Islands	CONN.—All except Ark., Canal Zone, Ga., Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	25,653,000	All except Canal Zone	MINN.—All.
St. Paul Mercury Insurance Company, St. Paul, Minn.	3,024,000	All except Canal Zone, Puerto Rico, Virgin Islands	MINN.—All.
Seaboard Surety Company, New York, N.Y.	2,700,000	All	N.Y.—All.
Security Insurance Company of New Haven, New Haven, Conn.	6,288,000	All except Canal Zone, Del., Hawaii, Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Security Mutual Casualty Company, Chicago, Ill.	1,245,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	348,000	Ark., Cal., Colo., Ind., Mich., Okla., Tex	TEX.—All except Canal Zone, Mont.
Select Insurance Company, Dallas, Tex.	563,000	Colo., Fla., Tex., Wyo	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Nev., N.J., N. Mex., N.C., Okla., Pa., S.C., nTenn., Utah, Wyo.
Southern General Insurance Company, Allentown, Pa.	159,000	Ark., Cal., Del., D.C., Fla., Ga., Ind., Md., Miss., Mo., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—ePa.
Springfield Insurance Company, Springfield, Mass.	11,974,000	Cal., Ill., Mass., Miss., N.Y., N.C., Okla., Pa., S.C., Tex.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
State Automobile Mutual Insurance Company, Columbus, Ohio.	1,832,000	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., N.C., Ohio, Pa., S.C., Tenn., W. Va.	OHIO—D.C., Ky., Md., Mich., Tenn., W. Va.
State Fire and Casualty Company, Miami, Fla.	107,000	Del., D.C., Fla., La., Md. (surety only), Nev	FLA.—D.C.
State Surety Company, Des Moines, Iowa.	50,000	Iowa, Minn., Mo., Nebr., S. Dak	IOWA—eArk., D.C., sFla., Ill., Kans., wMich., Minn., Mo., Nebr., N. Dak., nOhio, nOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	133,000	Ill., Ind., Iowa, Md., Pa	IND.—Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Nebr., wmPa., S. Dak.
The Stuyvesant Insurance Company, Allentown, Pa.	336,000	All except Canal Zone, Hawaii, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
The Summit Fidelity and Surety Company, Columbus, Ohio.	78,000	All except Ark., Cal., Canal Zone, Conn., D.C., Ga., Hawaii, Idaho, Me., Md., Mass., Mont., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	OHIO—
Sun Insurance Company of New York, New York, N.Y.	1,087,000	All except Canal Zone, Hawaii, Idaho, La., Miss., Puerto Rico, S.C., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Superior Insurance Company, Dallas, Tex.	496,000	Ariz., Cal., Colo., Fla., Ga., Ind., Kans., Mich., N. Mex., Okla., Tex., Utah, Wyo.	TEX.—sCal., Colo., D.C., Okla.
Superior Risk Insurance Company, LeRoy, Ohio.	816,000	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Nev., N.J., N.Y., Ohio, Pa., R.I., Tex., Va., W. Va., Wis.	OHIO—All except sAla., Alaska, Canal Zone, sGa., Hawaii, Me., N.H., Puerto Rico, wVa., Virgin Islands.
Traders & General Insurance Company, Dallas, Tex.	170,000	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	5,778,000	All except Virgin Islands	CAL.—All except Canal Zone, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,213,000	All except Canal Zone, Del., Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Del., msGa., Hawaii, La., Miss., Oreg., Puerto Rico., S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	673,000	Ala., Alaska, Cal., Colo., D.C., Hawaii, Ill., Ind., Iowa, Ky., Md., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N.C., N. Dak., Ohio, Okla., R.I., Tex., Utah, Vt., Wash., Wis., Wyo.	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	797,000	All except Canal Zone, Virgin Islands	CAL.—All except Alaska, Canal Zone, eKy., eLa., Mass., sMiss., Nev., N.Y., sOhio, eOkla., ePa., Puerto Rico, R.I., S. Dak., mTenn., wVa., Virgin Islands, W. Va.
Transportation Insurance Company, Chicago, Ill.	861,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except Alaska, nCal., Canal Zone, Conn., sFla., Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	21,000,000	All	CONN.—All.
Trinity Universal Insurance Company, Dallas, Tex.	2,016,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All.
Tri-State Insurance Company, Tulsa, Okla.	301,000	All except Cal., Canal Zone, Conn., Del., D.C., Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.C., N. Dak., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., Canal Zone, Conn., Del., Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	760,000	All except Canal Zone, Puerto Rico, Virgin Islands	MINN.—Conn., D.C., La.
United Bonding Insurance Company, Indianapolis, Ind.	78,000	All except Canal Zone, Conn., N.Y., Puerto Rico, S.C., Virgin Islands, W. Va.	IND.—All except nAla., Canal Zone, Conn., Del., Hawaii, Me., Mass., Mont., wneN.Y., N. Dak., Puerto Rico, S.C., Virgin Islands.
United Pacific Insurance Company, Tacoma, Wash.	1,809,000	All except Ala., Canal Zone, Conn., Del., Ga., La., Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
United States Casualty Company, New Haven, Conn.	$1,382,000	All except Canal Zone, Hawaii	N.Y.—All except Alaska, Canal Zone, Hawaii, wLa.
United States Fidelity and Guaranty Company, Baltimore, Md.	36,586,000	All	MD.—All.
United States Fire Insurance Company, New York, N.Y.	11,169,000	All except Canal Zone, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	200,000	Ariz., Colo., Iowa, Kans., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., S. Dak., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	1,800,000	All except Ala., Alaska, Ark., Canal Zone, Hawaii, Kans., La., Mich., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Reading, Pa.	1,102,000	All except Alaska, Ariz., Cal., Canal Zone, Conn., Fla., Hawaii, Idaho, Kans., Ky., La., Me., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,068,000	All except Alaska, Canal Zone, Hawaii, Mich., R.I.	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	680,000	Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, New York, N.Y.	6,455,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	3,083,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Me., Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	1,490,000	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	731,000	All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Me., N.H., N.Y., N.C., Puerto Rico, S.C., Vt., Va., Virgin Islands, W. Va.	S. DAK.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Wolverine Insurance Company, Battle Creek, Mich.	536,000	Alaska, Ark., Cal., Fla., Ga., Ill., Ind., Iowa, Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.
The Yorkshire Insurance Company of New York, New York, N.Y.	802,000	All except Canal Zone, Hawaii, Puerto Rico, S. Dak., Virgin Islands.	N.Y.—All except Alaska, Puerto Rico, Virgin Islands.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of companies	Underwriting limitations (net limit on any one risk)	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	$1,209,000	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	667,000	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	843,000	D.C.
Constellation Insurance Company, New York, N.Y.	228,000	D.C.
The Employers' Liability Assurance Corporation, Ltd., London, England (U.S. Office, Boston, Mass.)	6,517,000	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	8,828,000	D.C.
General Security Assurance Corporation of New York, New York, N.Y.	449,000	D.C.
The Guarantee Company of North America, Montreal, Canada (U.S. Office, New York, N.Y.)	105,000	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	798,000	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,274,000	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	973,000	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	804,000	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	257,000	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	1,047,000	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	544,000	D.C.
The Royal Exchange Assurance, London, England (U.S. Office, New York, N.Y.)	711,000	D.C.
Royal Insurance Company, Ltd., Liverpool, England (U.S. Office, New York, N.Y.)	3,654,000	D.C.
The Sea Insurance Company, Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	813,000	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	1,054,000	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	915,000	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	3,476,000	D.C.
Transatlantic Reinsurance Company, New York, N.Y.	237,000	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	504,000	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	6,769,000	D.C.

[1] The Mercantile Insurance Company of America merged with this company effective December 31, 1964.
[2] Northwestern National Casualty Company (a Delaware corporation) was merged into this company December 31, 1964.
[3] Pennsylvania Manufacturers' Association Casualty Insurance Company was merged into this company effective August 1, 1964.

NOTES

(a) All certificates of authority expire May 31, and are renewable June 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form 369 to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) The term "other areas" includes Canal Zone, Puerto Rico and Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 65-8644; Filed, June 4, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 65-6]

ALASKA

Small Tract Classification Order

MAY 26, 1965.

1. Pursuant to the authority delegated to me by the Alaska State Director and published in 29 F.R. 3015, March 5, 1964, I hereby classify the following lands in the vicinity of Harding Lake, Alaska, as suitable for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 6823) as amended:

Those lands described by Paragraph 4 of PLO 963.
Containing approximately 2,970.25 acres.

2. Classification of the above described lands by this order is subject to valid existing rights and segregates the described lands from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with, and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands were restored from withdrawal by Public Land Order No. 963 of May 10, 1954, but were retained in reserve status pending an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

4. The lands classified by this order will not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order issued by an authorized officer opening the lands to applications or bids.

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5865; Filed, June 4, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-57. The license authorizes The Veterans Administration Hospital to operate its TRIGA-type nuclear reactor located in Omaha, Nebr. The amendment authorizes a change in the fuel element and control rod examination program, as described in the licensee's application for license amendment dated February 18, 1965, and supplement thereto dated April 1, 1965.

The Commission has found that:

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

(2) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 18, 1965, and supplement thereto dated April 1, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of May 1965.

For the Atomic Energy Commission.

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

AMENDMENT TO FACILITY LICENSE

[License R-57; Amdt. 3]

License No. R-57, as amended, issued to The Veterans Administration Hospital is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-57, as amended, The Veterans Administration Hospital is authorized to operate the TRIGA-type heterogeneous, light water cooled, zirconium hydride and water moderated, tank-type nuclear reactor, located at Omaha, Nebr., and to alter the fuel element and control rod examination program, as described in the application for amendment dated February 18, 1965, and supplement thereto dated April 1, 1965.

This amendment is effective as of the date of issuance.

Date of issuance: May 26, 1965.

For the Atomic Energy Commission.

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

[F.R. Doc. 65-5859; Filed, June 4, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 15808, 16044; Order E-22250]

FLYING TIGER LINE, INC.

Order Denying Petition for Modification of Regulation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June 1965.

On March 17, 1965, by Regulation No. PS-26, the Board, among other things, adopted minimum-rate conditions applicable to exemptions for the transportation of Category A individually waybilled military cargo by amending the Board's Statements of General Policy (14 CFR Part 399), effective July 1, 1965 (30 F.R. 3871). Paragraph (e) of § 399.16 specifies a minimum Category A cargo rate of 17.63 cents per ton-mile for pallets in excess of 4 per flight, applied to the shortest mileage between the commercial air-carrier points as set forth in the current IATA Mileage Manual and increased by add-ons from 1 to 3 cents per pound for air or truck pickup service to and from military bases.

On April 12, 1965, pursuant to Rule 38(d) of the rules of practice (14 CFR 302.38(d)), The Flying Tiger Line Inc. (Flying Tigers) filed a petition for modification of § 399.16(e) prior to the effective date thereof. Flying Tigers states that the Category A rate of 17.63 cents is the same as that for one-way Mid-Pacific Category B military cargo charters, whereas the minimum one-way Category B rate for North Pacific routing is 18.13 cents per ton-mile.[1] However, the mileage basis for Mid-Pacific Category A cargo would be equivalent to that for North Pacific Category B cargo. Because of this discrepancy, Flying Tigers contends that the Category A rate will undercut the charter rate to the detriment of the Category B contractors.[2] Therefore, Flying Tigers requests that the 17.63-cent minimum Category A rate be increased to 18.13 cents for cargo transported to or from certain transpacific points, in order that the Category A rate equal the Category B

[1] Section 288.7(a)(1), effective July 1, 1965, by Regulation No. ER-432, an amendment and reissuance of Part 288 of the Economic Regulations adopted concurrently with PS-26 (30 F.R. 3861).

[2] Flying Tigers presents the following example of application of these rates for cargo to Tachikawa (Tokyo): The Category B rate of 18.13 cents per ton-mile multiplied by the North Pacific mileage of 5,466 miles results in a rate of 49.5 cents per pound. The Category A rate of 17.63 cents per ton-mile multiplied by the IATA mileage of 5,472 miles results in a rate of 48.2 cents per pound.

one-way military charter minimum rate for North Pacific routing.

No answers were filed to Flying Tigers' petition for modification.

We have determined that Flying Tigers' petition should be denied without prejudice, for the following reasons. Flying Tigers correctly states the relation between Category A and B transpacific minimum rates as far as it goes. However, Flying Tigers fails to consider the add-ons for truck and air pickup at military bases, which are usually an integral part of any Category A rate structure. In practical application, the transpacific Category A rates including these add-ons will in fact be very close to the North Pacific Category B one-way rates.[2] Furthermore, Flying Tigers has not shown that it will be prejudiced by application of the minimum Category A cargo rates.

Accordingly, it is ordered:

That the petition of The Flying Tiger Line Inc. for modification of Regulation PS-26, Docket 15808, be and hereby is denied without prejudice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-5894; Filed, June 4, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14977, 14978; FCC 65R-204]

ABACOA RADIO CORP. (WRAI) AND MID-OCEAN BROADCASTING CORP.

Memorandum Opinion and Order Remanding Applications

In re applications of Abacoa Radio Corp. (WRAI), Rio Piedras (San Juan), P.R., Docket No. 14977, File No. BP-14070; Mid-Ocean Broadcasting Corp., San Juan, P.R., Docket No. 14978, File No. BP-14994; for construction permits.

1. The Review Board has under consideration (a) the Initial Decision herein (FCC 64D-37, released June 2, 1964); (b) the exceptions and supporting briefs of the parties; and (c) the oral argument held before a panel of the Review Board on May 11, 1965. Abacoa, licensee of standard broadcast Station WRAI, Rio Piedras, P.R., proposes to change its present Class II-B operation (1520 kilocycles, 250 watts, nondirectional antenna, unlimited time) to 1190 kilocycles, 500 watts, utilizing different directional antenna arrays for day and night operation, and operating unlimited time. Mid-Ocean has applied for a construction permit for a new Class II-B standard broadcast station in San Juan, P.R. on 1190 kilocycles with power of 10 kilowatts, unlimited time, with different directional antenna arrays for day and night operation. The applications are mutually exclusive. The Examiner accorded the Mid-Ocean proposal a significant preference under section 307(b) citing Mid-Ocean's greater area and population coverage and the establishment of an additional transmission facility. He concluded that Mid-Ocean's wide area proposal was a far more efficient use of the frequency than Abacoa's. He also ruled that Abacoa's proposal failed to comply with the coverage requirements of § 73.188 of the rules and that no circumstances existed which would justify a waiver. For reasons hereinafter stated, the Board is remanding this proceeding to the Examiner for further hearing.

2. Abacoa's proposed daytime operation would serve 1,028,773 persons. Nighttime service would be provided to 722,072 persons. There are a minimum of 11 and a maximum of 17 other services within Abacoa's proposed daytime service area, and a minimum of 5 and a maximum of 8 services within its proposed nighttime service area. Mid-Ocean's daytime proposal contemplates service to 1,297,054 persons. Mid-Ocean's nighttime proposal would provide service to 920,582 persons. There are at least 10 other services within Mid-Ocean's proposed daytime 0.5 mv/m rural service area. A minimum of 8 and a maximum of 9 to 13 other services are available in the urban areas. Nighttime there are a minimum of 5 and a maximum of 12 other services available. There would be substantial common coverage by both applicants of the entire San Juan urbanized area. In view of these facts, it appears that a determinative preference based upon section 307 (b) considerations may not be possible. Accordingly, we believe testimony is necessary to determine the comparative qualifications of the Abacoa and the Mid-Ocean applicants. See Kent-Ravenna Broadcasting Company, FCC 61-1350, 22 R.R. 605; Rockland Broadcasting Company, FCC 62-577, 23 R.R. 789; Massillon Broadcasting Co., Inc., FCC 62-918, 23 R.R. 918, and 36 FCC 809, 2 R.R. 2d 409 (1964); WEXC, Inc., FCC 63-911, released October 11, 1963; Burlington Broadcasting Co., 34 FCC 1135, 25 R.R. 633 (1963); Seven Locks Broadcasting Co., 37 FCC 82, 3 R.R. 2d 177 (1964); Newton Broadcasting Company, FCC 65-423, released May 21, 1965; D & E Broadcasting Co., 38 FCC 532, 4 R.R. 2d 791 (1965); see also Monocacy Broadcasting Co., 28 FCC 301, 19 R.R. 137 (1960).

3. Certain testimony offered by Abacoa in support of its case for waiver of § 73.188 was excluded on the basis of relevancy. The proffered testimony was relevant. See WGUN, Inc., 38 FCC 529, R.R. 2d (1965). Therefore, the coverage issue should be explored further on remand.

Accordingly, it is ordered, This 1st day of June 1965, That this proceeding is remanded to the Examiner for further hearing on the § 73.188 waiver question and on the standard comparative issue and for preparation of a Supplemental Initial Decision.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5882; Filed, June 4, 1965; 8:47 a.m.]

[Docket Nos. 15503, 15504; FCC 65M-698]

CENTURY BROADCASTING CORP. (KSHE) AND APOLLO RADIO CORP.

Order Scheduling Hearing

In re applications of Century Broadcasting Corp. (KSHE), St. Louis, Mo., Docket No. 15503, File No. BPH-4246; Apollo Radio Corp., St. Louis, Mo., Docket No. 15504, File No. BPH-4283; for construction permits.

It is ordered, This 28th day of May 1965, that David I. Kraushaar shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 27, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 28, 1965; *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5883; Filed, June 4, 1965; 8:47 a.m.]

[Docket Nos. 15668, 15708; FCC 65M-692]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Continuing Hearing

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station (Channel 38).

The Hearing Examiner having for consideration a Joint Petition for Continuance, filed by the applicants herein on May 28, 1965;

It appearing, that petitioners seek to have hearing sessions now scheduled to commence on June 2, 1965, continued to September 8, 1965;

It further appearing, that hearing sessions on other issues herein are now scheduled to commence subsequent to September 13, 1965, and, therefore, a grant of the requested relief will not materially delay the ultimate closing of this record;

It is ordered, This 1st day of June 1965, that the subject petition is granted,

[2] The add-ons for truck and air pickup at Travis Air Force Base are 1 and 2 cents per pound, respectively. When these are added to the rates computed by Flying Tigers for Category A cargo in note 2, supra, the rates become 49.2 cents for truck pickup and 50.2 cents for air pickup.

[1] Board Member Pincock dissenting and issuing a statement, filed as part of original document.

and further hearing herein is continued to September 8, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: June 1, 1965.

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

[F.R. Doc. 65-5884; Filed, June 4, 1965; 8:47 a.m.]

[Docket Nos. 15875, 15876; FCC 65M-704]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Order Regarding Procedural Dates

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15875, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15876, File No. BPCT-3479; for construction permit for new television broadcast station (Channel 72).

To formalize the agreements and rulings made on the record at a prehearing conference held on May 27, 1965 in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 1st day of June 1965, that:

Preliminary exchange of engineering exhibits is scheduled for June 28, 1965;

Final exchange of engineering and lay exhibits is scheduled for July 9, 1965;

Rebuttal exhibits, if any, is scheduled for July 14, 1965;

Notification of witnesses is scheduled for July 16, 1965; and

Hearing date is scheduled for July 21, 1965.

Released: June 2, 1965.

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

[F.R. Doc. 65-5885; Filed, June 4, 1965; 8:47 a.m.]

[Docket No. 15752 etc.; FCC 65R-199]

CHARLES W. JOBBINS ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; et al., Docket Nos. 15753, 15754, 15755, 15756, 15757, 15758, 15759, 15760, 15761, 15762, 15763, 15764, 15765, 15766; for construction permits.

1. Before the Review Board for consideration is a motion to enlarge, change, and delete issues, filed January 22, 1965, by Crown City Broadcasting Co. (Crown).[1] Crown seeks deletion of a financial qualifications issue and five engineering issues, which were designated against all applicants for the existing KRLA facilities (Pasadena applicants) insofar as they apply to its application.[2] The engineering issues relate to objectionable nighttime interference to Station KFAB, Omaha, Nebr.; objectionable nighttime interference to Station KBND, Bend, Oreg.; whether Crown will be able to adjust and maintain the directional antenna system it proposes; whether conditions exist in the vicinity of the antenna system which would distort Crown's proposed antenna radiation pattern; and whether the proposal would involve 2 mv/m and 25 mv/m overlap with Station KSDO, San Diego, Calif. Crown also asks the Board to add the following three issues:

To determine whether a grant of the application of Storer Broadcasting Co. would reduce the number of services available and deprive the city of Los Angeles and its surrounding area of a broadcast service on 1020 kc which may not under the rules of the Commission be granted again for a similar operation in Los Angeles.

To determine whether or not the proposed operation of Pasadena Broadcasting Co. will adversely affect the operations and testing conducted at the El Monte, Calif., plant of Space General, a Division of Aerojet-General Corp.

To determine the nature and extent of existing standard broadcast programing rendered by stations licensed to Pasadena, Calif., and to determine whether such programing fully meets the needs of Pasadena.

2. In support of its request for deletion of the first four of the engineering issues, Crown relies on engineering exhibits offered with its application which allegedly substantiate Crown's assertion that none of the issues is needed. Petitioner further relies upon the skeleton proof of performance filed with the Commission on November 18, 1964, by Oak Knoll Broadcasting Corp., the interim operator of the KRLA facilities, and on a January 8, 1965, letter from KFAB to the Commission commenting on Oak Knoll's skeleton proof. Crown states that since its proposal, in relevant part, is similar to the Oak Knoll operation, KFAB's acceptance of the skeleton proof indicates that KFAB could have no valid objection to the proposed Crown operation.

3. However, KFAB does oppose deletion of the three issues which concern it, stating that its limited comments on Oak Knoll's skeleton proof of performance do not concede that Oak Knoll's pattern would remain in adjustment, or that KFAB would not expect a more convincing showing of noninterference and nondistortion from a new and permanent operation. Oppositions to deletion of all four issues were filed by the Broadcast Bureau, Orange Radio, Inc. (Orange), and Western Broadcasting Corp. (Western); Storer Broadcasting Co. (Storer) opposes deletion of the issue as to interference to KFAB, the antenna issue, and the distortion issue; and KBND opposes deletion of the issue as to interference to its operation. In its reply to the Broadcast Bureau's opposition, Crown asks that the Board hold the petition for deletion of these four issues in abeyance pending acceptance by the Hearing Examiner of an amendment to Crown's application. This request is supported by a joint statement from the other Pasadena applicants (Goodson-Todman, Inc.; KFOX, Inc.; Pasadena Community Station, Inc.; and The Bible Institute of Los Angeles, Inc.) who propose similar amendments.[3] Neither the arguments advanced by Crown in the moving petition, nor the cited amendments, obviate the need for an evidentiary hearing for resolution of the interference, directional antenna adjustment and antenna site problems designated in this proceeding. Except in unusual circumstances, not here present, petitions to delete issues on the basis of material contained in pleadings or amendments will be denied; the hearing is the proper forum for the introduction of evidence. See United Aritists Broadcasting, Inc., FCC 64R-161, 2 R.R. 2d 295; L. B. Wilson, Incorporated, FCC 63R-58, 24 R.R. 1019.

4. Crown's request for deletion of the overlap issue is likewise based on the engineering exhibits submitted with its application. Crown argues that the Commission acted improperly in designating the issue as to overlap of its 25 mv/m contour with the 2 mv/m contour of Station KSDO because the engineering data submitted by Crown's engineer demonstrates that no overlap would exist between Crown and KSDO. Crown asserts that the overlap issue was erroneously applied to its proposal on the basis of engineering statements of other Pasadena applicants which indicated that their proposals would involve slight overlap. Crown concedes that the Commission gave specific consideration to the engineering data relied upon here, but argues that the Commission went on to question the validity of Crown's showing simply because the engineering of some of the other applicants showed slight overlap. Crown contends that the Commission may not add an issue "based on an arbitrary assumption that Crown City is proposing the same type of operation as any other applicant in this proceeding." The issue could be applied

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[1] The pleadings before the Board for consideration are listed in the attached Appendix. The Board notes that the number of separate pleadings filed in response to Crown's motion is far in excess of the number contemplated by the rules. Contrary to the provisions of § 1.45(b), which states explicitly that "separate replies to individual oppositions shall not be filed," Crown filed eight separate replies, instead of one reply, to the various oppositions; moreover, most of the replies contain no original matter but merely refer to other replies. Also burdening the record are three separate responses to Crown's motion filed by Storer. No valid reason appears to warrant such a procedure. This proceeding is an unusually complicated one; the parties are advised not to make it more complex than it is.

[2] In its reply to the Bureau's opposition, Crown withdrew a request for modification of an ordering clause, in light of the Bureau's explanation of the clause.

[3] These amendments, insofar as amendment of the nighttime directional proposals is involved, were accepted by Order of the Hearing Examiner, FCC 65M-449, released Apr. 14, 1965. KFOX, Inc., is no longer a party to this proceeding, its application having been dismissed by Order of the Hearing Examiner (FCC 65M-596), released May 12, 1965.

to its proposal, argues petitioner, only on some independent showing that it is specifically required; since the Pasadena applications reveal differences in radiation, coverage and other factors bearing on the overlap issue, it is arbitrary to "lump all of the proposals together" for purposes of the overlap issue.

5. Deletion of the overlap issue is opposed by Orange, Western and the Broadcast Bureau, because the engineering statement upon which Crown now relies was before the Commission at the time of designation. Orange opposes "unilateral by-passing" of this issue in hearing, particularly in view of the complex engineering designs and arrays proposed by the various applicants, and points out that joint measurements to determine the location of KSDO's 2 mv/m contour which are being undertaken by the Pasadena applicants pursuant to the Hearing Order (FCC 64–1195, released December 31, 1964) may have significant bearing on the overlap question. Western argues that the issue was added for good and sufficient reasons set forth in the designation Order and, due to the absence of new allegations, the petition does not satisfy § 1.229 of the Commission's rules. The Bureau rejects Crown's argument that a separate, independent showing as to each applicant was a prerequisite to the Commission's inclusion of this public interest issue.

6. Crown's assertion that there is no basis for inclusion of an overlap issue as to its proposal must be rejected in view of the following statements of the Commission, after specific consideration of all the facts now before the Board, in paragraph 15, I–B(6) of its designation Order:

> The applicant [Crown] indicates that this application is for essentially the same facilities formerly authorized to KRLA. However, the applicant sets forth the following exceptions and variations from the former KRLA operations: * * * (c) No overlap of the proposed 25 mv/m contour with the KSDO 2.0 mv/m contour is shown, but they are indicated to be tangent; * * *
>
> In light of our findings pertaining to the suitability of the proposed antenna site and the feasibility of adjusting and maintaining the proposed antenna systems of all the applications specifying the facilities formerly authorized to KRLA * * * substantial questions exist with respect[4] to the claims of Crown City [concerning inter alia, the lack of overlap with Station KSDO].

As the Commission's comments and Exhibit E–7 to Crown's application demonstrate, petitioners assertions oversimplify the situation. The Commission's hearing Order states, inter alia, that in light of site suitability and adjustment problems as to Crown's application, a substantial question exists as to its claims concerning the location of its 25 mv/m contour and the 2 mv/m contour for Station KSDO.[4] Under the circumstances, there is no justification for deletion of the issue. See L. B. Wilson, Incorporated, supra; Marion Moore, FCC 65R–53, released February 8, 1965.

7. The Review Board is also asked to delete the financial issue designated against Crown. Crown alleges that the issue was based on "erroneous assumptions and clear inconsistencies with the Crown City application" and that the petition sufficiently clarifies the matter to permit a finding of financial qualification by the Board. Cited as error are the following assumptions: that $1,426,784 would be required for construction and 3 months' operation since acquisition of the present KRLA site and equipment would require $1 million in cash, whereas in fact it would involve a maximum down payment of $250,000, the balance to be spread over a period of years; that no definite arrangement had been made to procure the site, whereas in fact KRLA is committed to make the site available to any successful Pasadena applicant, in view of which no contract of sale in favor of any applicant is possible at this time; that $50,000 financing is available from the Crown partners, whereas in fact $500,000 was shown available on the application; that no partnership agreement is in force, whereas in fact such an agreement is in force; and that the $1 million loan commitment to the partnership must be personally endorsed by each of the eleven applicants, which is allegedly a "particularly unnecessary and inappropriate" requirement.

8. Crown's request for deletion of the financial issue, which is opposed by Western, Storer and the Broadcast Bureau, must be denied. No change of circumstances has occurred since the issue was designated and Crown has not shown that the Commission was acting under a misapprehension of the facts at that time. See Marion Moore, supra; Community Radio of Saratoga Springs, New York, Inc., FCC 64R–459, 2 R.R. 2d 644. Crown challenges the Commission's finding that site acquisition will cost $1 million; however, letters in support of its petition merely indicate a down payment of "not less than $100,000". The Commission was thus unable to isolate the sum initially involved and accordingly charged Crown with the full amount. To meet this commitment, it was necessary that Crown be credited with the $1 million bank loan cited in its application. Again, however, the Commission was unable to make the requested finding because the loan was conditioned upon the personal endorsement of each of the eleven partners but no assurance was given that such endorsements would in fact be made.[5] In requesting deletion Crown merely charges that these two findings, upon which its financial qualification depends, were improper. However, this is not the proper forum for petitioner to urge, initially, its interpretation of the facts. The issue was designated in order that such matters could be clarified and resolved through the hearing process. In the absence of a clear showing that the Commission was acting under a misapprehension of the facts when it designated the issue, a motion to delete will not be entertained. See Cleveland Broadcasting, Inc., FCC 63R–519, 1 R.R. 2d 676.

9. Crown's first request for addition of an issue would inquire into the effect on the use of 1020 kc if Storer's application for 1110 kc is granted. Crown argues that an issue is required because grant of Storer's 1110 kc application would result in loss of the 1020 kc operation to Los Angeles; permanent loss of the frequency to California under § 73.22(a); and permanent loss of the frequency anywhere for a limited time operation under § 72.23(b). In opposing addition of the issue as to Storer, the Bureau cites the failure to offer supporting allegations and argues that the section 307(b) issue will permit consideration of the loss of frequency question insofar as relevant. Storer does not challenge the relevance of inquiry into the respective needs of Los Angeles and Pasadena but opposes Crown's wording of the issue. In its reply pleading, Crown indicates that its request was based on the assumption that the matters raised would not be subsumed under the 307(b) issue and, apparently in reliance on the Board's adoption of the position taken by the Bureau, conditionally withdraws its request.

10. A similar request, supported by like allegations, was made by California Regional Broadcasting Corporation in a petition to enlarge issues filed on January 22, 1965. In a Memorandum Opinion and Order (FCC 65R–185), released May 24, 1965, the Review Board declined to add the issue. Crown's request for an issue will likewise be denied for the reasons stated in our earlier opinion.

11. In requesting an issue to determine whether Pasadena's proposal would adversely affect operation of the Space General plant, Crown originally alleged that the close proximity of a high powered a.m. facility to "the sensitive devices and testing operations carried on at Space General will be a severe burden on the latter, and will impair its ability to continue existing electronic test operations at the plant." The only support for Crown's request was the affidavit of one of its principals, Donald C. McBain, stating that Pasadena's proposed transmitter site is within ¼ mile of Space General; that McBain has investigated the area and Space General's operations; that Space General "carries on extensive electronic testing and development, much of which is classified;" that KRLA's present operation is "coordinated with the Space General test operations;" and that any operation within ¼ mile will "cause excessively high voltages at the test site of Space General."

12. Pasadena would have this portion of Crown's pleading summarily rejected as lacking the specificity and probably also the personal knowledge required by § 1.229; there is no statement of what operations would be impeded; and it is not shown whether McBain is an engi-

[4] In a recent amendment, see footnote 3 above, Crown states that field intensity measurements are being made to establish the exact location of the KSDO 2 mv/m contour. Engineering statement to Amendment, page 2.

[5] The designation Order did not, as alleged by Crown, state that the commitment would not be considered binding absent the actual endorsements, which would naturally not be made before the loan is consummated.

neer or whether he has clearance to check Space General's operations, which he himself describes as highly classified. The Bureau dismisses Crown's allegations as pure hearsay; points out that Space General itself has made no objection; and reiterates that McBain has established neither his credentials nor the basis of his knowledge.

13. Crown's reply to the oppositions alleges that since the oppositions do not deny potential disruption of Space General's operations they must be held to have admitted it; that they rely on the technicalities of § 1.229 which Crown has in fact satisfied; and that Pasadena is improperly requiring Crown to plead evidence in proof of allegations. The reply also raises several new matters, based on affidavits of its consulting engineer, the Research and Education Director of Space General, the explosive coordinator for Space General, the Director of Electronic Engineering for Space General, and two employees of Hoffman Electronics, whose operations Crown now alleges would also be affected, requiring modification of the requested issue to relate to Hoffman as well as Space General. These affidavits constitute wholly new matter and the reply will accordingly be stricken.[6] See Smackover Radio, Inc., FCC 62–81, 22 R.R. 865. However, because of the serious nature of the allegations made by Crown, the Review Board, on its own motion, has considered these new matters on the merits. We find that the affidavits indicate potential adverse effects upon the operations of Space General from the proposed operation, although by the very nature of the services involved—electronic research, development and experimental design work on antennas, control servo devices, and telemetry using frequencies ranging from audio to ultra microwave—it is difficult to determine which aspect of the services would be affected and whether the adverse effects would be of recurring types. Space General has, moreover, been permitted by the Examiner (FCC 65M–636, released May 21, 1965), to intervene as a party in this proceeding contingent upon addition of this issue and for the limited purpose of adducing evidence relevant thereto. Due to the complexity of the problem involved and the classified nature of the work performed, the issues will be enlarged to allow Space General to bring forward evidence which it is in the best position to present. For these same reasons it would be appropriate to place the burden of proceeding with the introduction of evidence on this issue upon Space General.

14. With respect to Hoffman Electronics similar, but less adequately supported questions are raised. No petition to intervene has been filed by Hoffman, and, in the circumstances, the factual showing before the Board as to Hoffman does not warrant enlargement of the issues.

15. Crown's final request is for an issue as to the nature and extent of the programing of existing Pasadena standard broadcast stations and whether such programing meets the community's needs. The request is based on the Commission's statement in its opinion authorizing interim operation of the KRLA facilities by Oak Knoll Broadcasting Corp., FCC 64–665, 2 R.R. 2d 1011, 1017, that the four existing transmission services "are of specialized types only partially satisfying the total needs and interests of the populations involved * * *." This request is opposed by Orange, Topanga-Malibu Broadcasting Co. (Topanga) and the Bureau. The Bureau takes the position that Crown's petition should be denied for lack of specificity as to the objectives of the issue, and failure to articulate its relevance to the ultimate public interest determination. Orange and Topanga argue that Crown has failed to make a threshold showing of facts of decisional significance; that the petition relies upon conclusionary statements and fails even to satisfy the basic requirements of § 1.229(c); that information derived from the interim proceeding does not relieve the parties here of any obligations of proof since conclusions reached in that proceeding were limited to the interim grant and might well be without significance to this decision; and that the Pasadena applications must in any case be treated as applications for Los Angeles.

16. The requested issue will not be added. Neither the petition nor the reply pleading does more than make the conclusionary assertion that an issue is required. Crown's reliance upon isolated statements in the Oak Knoll opinion, supra, is misplaced. The decisive factor in the interim grant to Oak Knoll was Oak Knoll's status as the only party not an applicant for a regular license for the KRLA facilities. The issue requested by Crown is also not supported by a sufficient showing of facts of decisional significance. See Service Broadcasting Corp., FCC 63R–234, 25 R.R 445; and Cookeville Broadcasting Company, FCC 60–101, 19 R.R. 892.

Accordingly, it is ordered, This 28th day of May 1965, That the motion to enlarge, change and delete issues, filed January 22, 1965, by Crown City Broadcasting Co., is denied; and

It is further ordered, That those portions of the Reply to Opposition of Pasadena Broadcasting Co., filed March 1, 1965, by Crown City Broadcasting Co., which constitute new matter, are stricken; and

It is further ordered, That the motion to strike Crown City's reply, or alternatively, accept response of Pasadena Broadcasting Co. filed March 22, 1965, by Pasadena Broadcasting Co.; the response of Pasadena Broadcasting Co. to Crown City's reply, filed March 22, 1965, by Pasadena Broadcasting Co.; and the opposition to motion to strike, filed March 31, 1965, by Crown City Broadcasting Co., are dismissed as moot; and

It is further ordered, On the Review Board's own motion, that the issues in this proceeding are enlarged by addition of the following:

To determine whether the proposed operation of Pasadena Broadcasting Co. would adversely affect the operations conducted at the El Monte, Calif., plant of Space General, a division of Aerojet-General Corp.; and

It is further ordered, That the burden of proceeding with the introduction of evidence on the issue concerning operations of Space General is placed on Space General.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

1. Motion to enlarge, change and delete issues, filed January 22, 1965, by Crown City Broadcasting Co.
2. Opposition, filed February 11, 1965, by KFAB Broadcasting Co.
3. Opposition, filed February 15, 1965, by Central Oregon Broadcasting Co.
4. Opposition, filed February 15, 1965, by Orange Radio, Inc.
5. Opposition, filed February 15, 1965, by Pasadena Broadcasting Co.
6. Statement regarding petition to enlarge the issues, filed February 15, 1965, by Storer Broadcasting Co.
7. Opposition, filed February 15, 1965, by Topanga Malibu Broadcasting Co.
8. Opposition, filed February 15, 1965, by Western Broadcasting Corp.
9. Opposition to petition to delete issues, filed February 15, 1965, by Storer.
10. Opposition to petition to delete the issue, filed February 15, 1965, by Storer.
11. Opposition, filed February 15, 1965, by the Broadcast Bureau.
12. Reply to Central Oregon opposition, filed March 1, 1965, by Crown.
13. Reply to Orange opposition, filed March 1, 1965, by Crown.
14. Reply to Topanga Malibu opposition, filed March 1, 1965, by Crown.
15. Reply to Bureau opposition, filed March 1, 1965, by Crown.
16. Reply to Pasadena opposition, filed March 1, 1965, by Crown.
17. Reply to oppositions of Storer, filed March 1, 1965, by Crown.
18. Reply to Western opposition, filed March 1, 1965, by Crown.
19. Reply to KFAB opposition, filed March 1, 1965, by Crown.
20. Joint statement with respect to the Broadcast Bureau's opposition, filed March 1, 1965, by Goodson-Todman Broadcasting, Inc., KFOX, Inc., Pasadena Community Station, Inc., and The Bible Institute of Los Angeles, Inc.
21. Motion to strike Crown City's reply or, alternatively, accept responsive pleading of Pasadena Broadcasting Co., filed March 22, 1965, by Pasadena.
22. Response of Pasadena Broadcasting Co. to Crown City's reply, filed March 22, 1965, by Pasadena.
23. Opposition to motion to strike, filed March 31, 1965, by Crown.

[F.R. Doc. 65-5886; Filed, June 4, 1965; 8:47 a.m.]

[Docket No. 15995; FCC 65M-695]

KENT-SUSSEX BROADCASTING CO.

Order Continuing Prehearing Conference

In re application of H. M. Griffith, Jr. and C. V. Lundstedt, a partnership doing

[6] On March 22, 1965, Pasadena filed a motion to strike Crown City's reply or, alternatively, accept responsive pleading of Pasadena Broadcasting Co. In view of our ruling as to Crown's reply pleading, Pasadena's motion to strike and its concurrently filed response to Crown City's reply which is not authorized by the rules, as well as Crown's opposition to motion to strike, filed Mar. 31, 1965, will be dismissed as moot.

[7] Board Member Nelson absent.

business as The Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR-2885; for renewal of license of Station WKSB, Milford, Del.

It is ordered, This 1st day of June 1965, because of the illness of the presiding Hearing Examiner, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence June 3, 1965, at 9 a.m., is continued to June 11, 1965, at 2 p.m., in the Offices of the Commission, Washington, D.C.

Released: June 1, 1965.

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

[F.R. Doc. 65-5887; Filed, June 4, 1965; 8:48 a.m.]

[Docket Nos. 15975, 15976; FCC 65M-694]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Continuing Prehearing Conference

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH-4708; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH-4779; for construction permits.

It is ordered, This 1st day of June 1965, because of the illness of the presiding Hearing Examiner, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence June 4, 1965, at 9:00 a.m., is continued to June 11, 1965, at 2:45 p.m., in the Offices of the Commission, Washington, D.C.

Released: June 1, 1965.

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

[F.R. Doc. 65-5888; Filed, June 4, 1965; 8:48 a.m.]

[Docket Nos. 15803—15806; FCC 65M-702]

JOHN N. TRAXLER ET AL.

Order Regarding Procedural Dates

In re applications of John N. Traxler and Alvera M. Traxler, Husband and Wife, Delray Beach, Fla., Docket No. 15803, File No. BPH-3485; Sunshine Broadcasting Co., Delray Beach, Fla., Docket No. 15804, File No. BPH-4174; WLOD, Inc., Pompano Beach, Fla., Docket No. 15805, File No. BPH-4253; Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH-4605; for construction permits.

The Hearing Examiner having under consideration the Review Board's action of May 27, 1965, enlarging the issues in the above-entitled matter;

It appearing, that a further hearing is necessary in the above-entitled proceeding;

It is ordered, This 1st day of June 1965, that the following dates shall govern the future conduct of this hearing:

Exchange of exhibits is scheduled for June 28, 1965;

Notification of witnesses is scheduled for July 7, 1965; and

Further hearing is scheduled for July 14, 1965.

Released: June 2, 1965.

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

[F.R. Doc. 65-5889; Filed, June 4, 1965; 8:48 a.m.]

[Docket No. 15213 etc.; FCC 65M-689]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Order Continuing Hearing

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, File No. BPCT-3166; for construction permit for new television broadcast station.

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Mass., Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Mass., Docket No. 15324, File No. BPCT-3169; for construction permits for new television broadcast stations.

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Inc., Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permits for new television broadcast stations.

It is ordered, This 28th day of May 1965, on the Hearing Examiner's own motion, that the hearing in the above-entitled matter now scheduled for June 15, 1965, is rescheduled to commence at 10 a.m., June 30, 1965, in the Commission's offices, Washington, D.C.

Released: June 1, 1965.

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

[F.R. Doc. 65-5890; Filed, June 4, 1965; 8:48 a.m.]

[Docket No. 15705 etc.; FCC 65M-705]

CHARLES VANDA ET AL.

Order Continuing Hearing

In re applications of Charles Vanda, Henderson, Nev., Docket No. 15705, File No. BPCT-3315; Boulder City Television, Inc., Boulder City, Nev., Docket No. 15707, File No. BPCT-3327; Vegas Valley Broadcasting Co., Boulder City, Nev., Docket No. 15747, File No. BPCT-3454; for construction permit for new television broadcast station.

It is ordered, This 2d day of June 1965, because of the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, which heretofore was scheduled to commence June 3, 1965, is continued to a date in the near future to be specified by the presiding Hearing Examiner.

Released: June 2, 1965.

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

[F.R. Doc. 65-5891; Filed, June 4, 1965; 8:48 a.m.]

[Docket No. 15996; FCC 65M-703]

YPSILANTI BROADCASTING CO. (WYSI)

Order Continuing Prehearing Conference

In re application of Ypsilanti Broadcasting Co. (WYSI), Ypsilanti, Mich., Docket No. 15996, File No. BP-16005; for construction permit.

It is ordered, This 1st day of June 1965, that the prehearing conference scheduled to convene on June 3, 1965, is continued pending further order of the Hearing Examiner.

Released: June 2, 1965.

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

[F.R. Doc. 65-5892; Filed, June 4, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

SALONIKA (YUGOSLAV CARGO)/ UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

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

Notice of agreement filed for approval by:

Mr. F. G. Slater, Director, Hellenic Lines Limited, 39 Broadway, New York, N.Y., 10006.

Agreement No. 9461 between American Export Isbrandtsen Lines, Inc. and Hellenic Lines Ltd. provides: (1) That the parties will confer, discuss, and agree on rates, charges, classifications, prac-

tices, and related tariff matters, in the carriage of cargo in the Yugoslav (loaded at Salonika, Greece Freezone) westbound trade to U.S. Atlantic ports, (2) that the parties shall separately maintain and file tariffs, (3) that the parties shall retain the right to act independently with respect to rates, charges, classifications, practices, and related tariff matters upon 48 hours' notice to the other party in conformity with General Order 6 (46 CFR Part 529), (4) for the appointment of a Secretary, to act for a period of 1 year, to maintain records of all actions taken, carry out the requirements of the agreement, certify minutes of all meetings and reports of all actions taken under the agreement which shall be filed with the Commission, (5) for the establishment of a Self-Policing System in conformity with General Order 7 (46 CFR Part 528), and (6) for the establishment of Admission, Withdrawal and Expulsion provisions in conformity with General Order 9 (46 CFR Part 523).

Dated: June 1, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5879; Filed, June 4, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7183]

ALABAMA ELECTRIC COOPERATIVE, INC., AND ALABAMA POWER CO.

Order Accepting Rate Schedules for Filing and Amending Order for Hearing

MAY 28, 1965.

This order accepts for filing, as initial rate schedules, two wholesale electric service contracts between Alabama Power Co. and the Cities of Troy and Luverne, Ala., respectively. Those contracts and the rates and charges reflected therein are subject to an investigation and hearing directed by order of the Commission issued February 5, 1965.[1] That order and the commencement of this proceeding followed complaints by the Alabama Electric Cooperative, Inc. against Alabama Power Co., which complaints contemplated the filing of the wholesale electric service contracts as rate schedules of the Company.

In accepting these contracts for filing as rate schedules of Alabama Power Co. effective June 1, 1965, as hereinafter provided, this order supplements the former order for hearing issued February 5, 1965, so as to expressly provide among the issues to be heard in this proceeding the question of lawfulness of these rate schedules. Alabama Power Co. requests an effective date of June 1, 1965 for the schedules for service to the two cities, that date being the proposed date for commencement of service to the cities. Currently, Troy and Luverne receive their electric power and energy requirements at wholesale from Alabama Electric Cooperative, Inc. The contract for service to the City of Luverne has been designated in the files of the Commission as Alabama Power Co.'s Rate Schedule FPC No. 85. The contract for service to the City of Troy has been designated as that Company's Rate Schedule FPC No. 86.

In requesting an effective date of June 1, 1965, Alabama Power Co. completed its filing with respect to the City of Luverne, including all supporting materials, on April 21, 1965. The Company's filing was completed on May 7, 1965, with respect to the City of Troy. The Company requests, pursuant to § 35.11 of the regulations under the Federal Power Act, a waiver of the Commission's 30-day prior notice requirement so as to permit an effective date for its rate schedule for service to the City of Troy of June 1, 1965.

The City of Troy, by letter dated May 6, 1965, supports the Company's request for waiver of the Commission's regulations pursuant to § 35.11 thereof. Troy indicates that it has terminated, effective June 1, 1965, its existing power supply contract with the Cooperative and that it is essential that Troy have a power supply and receive power from the Company on June 1, 1965. In our opinion, the pendency of the above-entitled proceeding and the circumstances as alluded to by Alabama Power Co. and the City of Troy constitute a sufficient showing of good cause for waiver of our requirements for filing and posting by the Company of its proffered rate schedule for wholesale electric service not less than 30 days prior to the date on which the electric service is to commence.

Alabama Electric Cooperative, Inc. on May 19, 1965 filed protests against the filing by Alabama Power Co. of its initial rate schedules for wholesale electric service to the Cities of Troy and Luverne. The grounds of these protests are the allegations previously made by the Cooperative in Docket No. E-7183 with respect to the lawfulness of the rates and charges of the Company to the Cooperative as related to its rates and charges to other customers. No claim is made that the filings are not complete under our rules. Since these are initial service filings they are not subject to suspension under section 205 of the Act. As indicated, supra, however, the filings are being accepted subject to the outcome of pending Docket No. E-7183 within which the question of the lawfulness of the newly filed rates will be considered.

The Commission further finds: It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 306, 307, 308, and 309 thereof, that Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86 be accepted for filing to become effective as of June 1, 1965, good cause having been shown for waiver of the 30-day notice period provided in § 35.3 of Part 35 of the Commission's regulations under the Federal Power Act with respect to Alabama Power Co.'s Rate Schedule FPC No. 86; that the Commission's order for hearing issued February 5, 1965, be amended so as to include expressly among the issues to be heard in this proceeding the lawfulness of Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86.

The Commission orders:

(A) The 30-day notice period provided in § 35.3 of Part 35 of the Commission's regulations under the Federal Power Act is hereby waived with respect to Alabama Power Co.'s Rate Schedule FPC No. 86.

(B) Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86 are hereby accepted for filing to become effective as of June 1, 1965.

(C) Paragraph (A) of the Commission's order issued February 5, 1965, in the above-entitled matter is amended so as to include expressly as among the issues to be heard in this proceeding the lawfulness of Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86.

(D) This acceptance for filing does not constitute approval of any rate, charge, classification, service, or any rule, regulation, contract, or practice relating thereto provided for in the above-designated rate schedules, nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such rate, charge, classification, or service; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in this or in any other proceeding now pending or hereafter instituted by or against Alabama Power Co.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5863; Filed, June 4, 1965; 8:45 a.m.]

[1] Rehearing denied by Commission order issued March 19, 1965.

[Docket No. CP65-373]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 28, 1965.

Take notice that on May 25, 1965, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65-373 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to purchase from The Tarpon Oil Corp. approximately 16.6 miles of 5½-inch and 6-inch pipeline and all appurtenant facilities, to relocate an existing meter station and appurtenances, and to construct approximately 100 feet of 2⅜-inch pipeline and a positive meter station and appurtenances, all in Hancock County, Miss.

Applicant states that the facilities will be used to supply natural gas to an area in Hancock County located south of and adjacent to the National Aeronautics and Space Administration's facilities presently under construction. Applicant anticipates that this area will ex-

pand as a market as a result of the new facilities.

Applicant estimates that the cost of acquisition and construction of the proposed facilities will be $110,971, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 25, 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, and 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. 65-5864; Filed, June 4, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1250]

BALDWIN SECURITIES CORP.

Notice of Filing of Application for Order Amending Order Exempting Relationship

JUNE 1, 1965.

Notice is hereby given that Baldwin Securities Corp. ("Baldwin"), 15 Broad Street, New York, N.Y., a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a nondiversified closed-end investment company, has filed an application pursuant to section 6(c) of the Act for an order amending an Order of the Commission dated April 27, 1960 (Investment Company Act Release No. 3023), as amended by an Order of the Commission dated December 23, 1964 (Investment Company Act Release No. 4108), to extend from April 30, 1965, until August 31, 1965, the period during which Baldwin's ownership of stock of, and relationship with, General Industrial Enterprises, Inc. ("GIE"), a Delaware corporation registered under the Act as a nondiversified closed-end investment company, shall be exempt from the provisions of section 12(d)(1) of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Baldwin presently owns approximately 93 percent of the issued and outstanding voting stock of GIE. Baldwin and GIE presently intend that GIE will be merged into Baldwin without a vote of stockholders, pursuant to section 253 of the Delaware General Corporation Law. It is contemplated that the plan of merger will provide that each stockholder of GIE (other than Baldwin) will receive Baldwin stock equal in net asset value to the net asset value of GIE stock, subject to the appraisal rights given by section 253 (e) of the Delaware General Corporation Law.

A separate application has been filed pursuant to section 17(b) of the Act for an order of the Commission exempting transactions incidental to the proposed merger of Baldwin and GIE from the provisions of section 17(a) of the Act (File No. 812-1765). The instant application states that the proposed merger cannot be consummated unless the Commission issues the exemptive order requested under section 17(b) and that it would be impractical to proceed with the merger until any such exemptive order which the Commission may issue becomes final and no longer subject to judicial review.

Section 12(d)(1) of the Act provides, in pertinent part, that it shall be unlawful for any registered investment company to purchase or otherwise acquire any security issued by any other investment company if such registered investment company will, as a result of that purchase or other acquisition, own over 5 percent (3 percent where the other investment company is a diversified company) of the outstanding voting securities of the other investment company, unless the registered investment company and any company or companies controlled by the registered investment company owns, at the time of the purchase or other acquisition, at least 25 percent of the outstanding voting stock of the other investment company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 17, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5860; Filed, June 4, 1965; 8:45 a.m.]

[812-1780]

INTERNATIONAL RESOURCES FUND, INC., AND INVESTMENT COMPANY OF AMERICA

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Registered Open-End Investment Company

JUNE 1, 1965.

Notice is hereby given that International Resources Fund, Inc. ("IRF") and The Investment Company of America ("ICA"), 900 Wilshire Boulevard, Los Angeles, Calif., 90017, both registered open-end investment companies, have filed an application pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 22(d) and 17(a) of the Act, respectively, the proposed issuance of ICA shares at net asset value in exchange for substantially all of the assets of IRF. Since the shares of ICA will be issued at a price other than at the public offering price, which normally includes a sales charge, an exemption from the provisions of section 22(d) of the Act is deemed necessary. In addition, the applicants state that, while it is their view that they are not affiliated persons of each other, there are a number of persons who are officers or directors of the two applicants or of their common investment adviser. Accordingly, since the applicants might be considered to be under common control and thus to be affiliated persons of each other, they have applied for exemption of the proposed transaction from section 17(a) of the Act pursuant to section 17(b) thereof. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

Shares of ICA, a Delaware corporation, are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased. As of April 21, 1965, the

net assets of ICA amounted to $410,268,011.

IRF, a Delaware corporation, had net assets of $16,768,865 as of April 21, 1965. Pursuant to an agreement between IRF and ICA, substantially all of the cash and securities of IRF will be transferred to ICA in exchange for shares of stock of ICA, subject to the retention by IRF of assets estimated by it to be sufficient to pay its liabilities. The agreement is conditioned upon, among other things, the approval by the holders of at least two-thirds of the issued and outstanding shares of capital stock of IRF.

The number of shares of ICA to be delivered to IRF will be determined by dividing the net asset value per share of ICA in effect at the closing time into the aggregate market value of the IRF assets to be exchanged. Since the exchange is expected to be tax-free for IRF and its shareholders, ICA's cost basis for tax purposes on the assets acquired from IRF will be the same as IRF's cost basis. The value of the assets of IRF will be adjusted according to a formula set forth in the application in the event that IRF has a higher ratio of unrealized appreciation in its assets than does ICA.

The applicants state that combining substantially all of the assets of IRF with the assets of ICA will provide to the shareholders of IRF greater diversification of their investments and will afford to the shareholders of both applicants the advantages of spreading the fixed operating expenses over a larger total net asset value. In this latter connection, they note that during the most recent fiscal year of IRF, the expenses of IRF amounted to 1.02 percent of its average net assets, while during the most recent fiscal year of ICA, the expenses of ICA amounted to 0.58 percent of its average net assets.

Notice is further given that any person may, not later than June 21, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 65-5861; Filed, June 4, 1965; 8:45 a.m.]

[File No. 70-4282]

METROPOLITAN EDISON CO.

Notice of Filing Regarding Issue and Sale of Principal Amount of Bonds

JUNE 1, 1965.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Berks County, Pa., a public-utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application on file at the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Met-Ed proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $12,000,000 principal amount of its First Mortgage Bonds, 1995 Series, maturing July 1, 1995. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid the company for the bonds (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Indenture, dated November 1, 1944, between Met-Ed and Morgan Guaranty Trust Co. of New York (formerly Guaranty Trust Co. of New York), Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture, dated July 1, 1965. The net proceeds (other than premium, if any, and accrued interest) from the sale of the bonds, together with the proceeds from the sale in June 1965, of $6,000,000 principal amount of debentures (File No. 70-4269), will be used to repay Met-Ed's short-term bank loans (outstanding in the principal amount of $8,000,000 at March 31, 1965) and for construction purposes. Met-Ed's construction program for 1965 is estimated to cost $23,800,000.

The application states that the fees and expenses to be incurred by Met-Ed in connection with the proposed transactions are estimated at $65,000, including counsel fees of $17,500, accountant's fees of $3,250, and Trustee's fees and expenses of $6,000; that the fees and expenses of independent counsel for the prospective bidders for the bonds are to be supplied by amendment; that the issue and sale of the bonds are subject to authorization by the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business; and that a copy of the order of that commission will be supplied by amendment.

Notice is further given that any interested person may, not later than June 28, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-noted address, and proof of such service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided by 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. 65-5862; Filed, June 4, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1185]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 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-67713. By order of May 28, 1965, the Transfer Board approved the transfer of the operating rights claimed in No. MC-98075 (Sub-No. 1) under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act by Henry J. Janson, doing business as H & P Trucking Co., 108 High Street, Danvers, Mass., to H & P Trucking Co., Inc., 108 High Street, Danvers, Mass.,

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 Massachusetts Department of Public Utilities in No. 2108.

No. MC–FC–67725. By order of May 28, 1965, the Transfer Board approved the transfer to Gulf Coast Transportation Inc., Winnie, Tex., of the operating rights claimed in No. MC–121210 (Sub-No. 2) under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act, by H. M. Cole, doing business as Cole Trucking Co., as lessor of the rights in Texas Certificate No. 5217 to Gull Transportation, Inc., lessee 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 Railroad Commission of Texas in No. 5217. Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex., attorney for applicants.

No. MC–FC–67792. By order of May 28, 1965, the Transfer Board approved the transfer to Fuchs, Inc., Sank City, Wis., of Permits in Nos. MC–116982 and MC–116982 (Sub-No. 1); MC–116982 (Sub-No. 2), and MC–116982 (Sub-No. 3) thereunder, issued April 15, 1958, November 3, 1959, October 25, 1962, and December 11, 1964, respectively, to Willard Fuchs and Le Roy Fuchs, a partnership, doing business as Fuchs Brothers, Sank City, Wis., authorizing the transportation of: Building materials, dry fertilizer, and fertilizer, from, to, or between specified points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. Edward Solie, 4513 Vernon Boulevard, Madison, Wis., 53705, attorney for applicants.

No. MC–FC–67812. By order of May 28, 1965, the Transfer Board approved the transfer to George Hilson, doing business as Hilson Moving & Transfer Co., Youngstown, Ohio, of certificate in No. MC–59850, issued November 6, 1953, to Jack Albert, doing business as A & B Storage Co., Philadelphia, Pa., authorizing the transportation of: Household goods, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC–67813. By order of May 28, 1965, the Transfer Board approved the transfer to Hawthorne Hauling, Inc., Philadelphia, Pa., of Certificate in No. MC–66576, issued January 25, 1941, to Paul Mormile, Philadelphia, Pa., authorizing the transportation of: Contractors' equipment and such bulk commodities as are transported in dump trucks, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points within 25 miles of Philadelphia, Pa., in Pennsylvania and New Jersey. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC–67815. By order of May 28, 1965, the Transfer Board approved the transfer to Pan American Van Lines, Inc., Bellerose, Long Island, N.Y., of a portion of the operating right in Certificate in No. MC–61609, issued March 2, 1953, to Pauline Sheridan Day, doing business as Bob Day Transfer & Storage, Fort Worth, Tex., authorizing the transportation of: Household goods, over irregular routes, between points in Grayson County, Tex., on the one hand, and, on the other, points in Kentucky, Tennessee, Illinois, Alabama, and Mississippi, and, between points in Grayson County, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, and New Mexico. Edward M. Alfano, 2 West 40th Street, New York 36, N.Y., attorney for applicants.

No. MC–FC–67865. By order of May 28, 1965, the Transfer Board approved the transfer to Mrs. Hilda Dillon Lessard, doing business as Lessard Bus Lines, Reg'd, 4 Massawippi Street, Lennoxville, Quebec, Canada, of the operating rights in Certificate No. MC–119538, issued January 4, 1961, to Jules Lessard, doing business as Lessard Bus Lines, Reg'd, 4 Massawippi Street, Lennoxville, Quebec, Canada, authorizing the transportation, over irregular routes, of: Passengers and their baggage, in charter operations, in round-trips, beginning and ending at ports of entry on the United States-Canada boundary line, at or near Newport, North Troy, Richford, and Norton Mills, Vt., and extending to points in Vermont, New Hampshire, Maine, Massachusetts, New York, North Carolina, and Florida.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5874; Filed, June 4, 1965; 8:47 a.m.]

[No. 33434]

MIDDLE ATLANTIC AND NEW ENGLAND TERRITORY

Detention of Motor Vehicles

JUNE 3, 1965.

In the report and order of the Commission on further hearing, filed and entered April 23, 1965, 325 I.C.C. 336, the Commission prescribed a uniform rule for determining charges for detention of vehicles of motor common carriers in Middle Atlantic territory and between that territory and New England territory. The order follows:

It is ordered, That the respondents, to the extent they participate in the transportation, be, and they are hereby, required to establish, within 60 days of the date this order becomes effective, upon not less than 30 days' notice to this Commission and to the general public by filing and posting in the manner prescribed under section 217 of the Interstate Commerce Act, and thereafter to maintain and apply in middle Atlantic territory (except New York short-haul traffic to the extent it is subject to rule 47–11 of Middle Atlantic Conference, Agent, tariff 10–Q, MF–I.C.C. A–1455, as presently amended), and between Middle Atlantic territory and New England territory, as defined in this report, the detention rule set forth in Appendix E, except as specified in the next succeeding paragraph.

It is further ordered, That the said detention rule shall not apply on household goods, commodities transported in bulk in tank trucks, commodities transported in dump trucks, articles transported by heavy haulers, and articles picked up from or delivered to railroad cars; nor shall the said detention rule apply to the transportation of palletized shipments to the extent such shipments are subject to rule 15 of Middle Atlantic Conference, Agent, tariff 10–Q, MF–I.C.C. A–1455, as presently amended, or other rules of a similar character in other tariffs.

And it is further ordered, That this order shall become effective on June 7, 1965, and shall continue in force until the further order of the Commission.

This notice will be published in the FEDERAL REGISTER.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

APPENDIX E—DETENTION RULE PRESCRIBED HEREIN

DETENTION OF VEHICLES

This rule applies when carriers' vehicles (Note A) are delayed or detained at premises of consignor, consignee, or other places designated by consignor or consignee, subject to the following provisions:

Section I—General Provisions

(a) This rule applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. If the shipment is moving on a rate subject to a stated minimum weight of 12,000 pounds or more, and such rate is not designated as a truckload rate, it will be considered a truckload rate for the purpose of applying this rule.

(b) This rule applies only when vehicles are delayed or detained at the places of pickup or delivery and only when such delay or detention is attributable to consignor, consignee, or others designated by them.

(c) Free time for each vehicle will be as provided in section III.

(d) After the expiration of free time as herein provided, charges as provided in section IV will be assessed against the shipment.

Section II—Computation of Time

(a) The time per vehicle shall begin to run upon notification by the driver to the responsible representative of the consignor or consignee at the place of pickup or delivery of the arrival of the vehicle for loading or unloading, as the case may be, either on the premises designated by the consignor or consignee, or as close thereto as conditions on said premises will permit, and shall end upon completion of loading or unloading and receipt by the driver of a signed bill of lading or receipt for delivery, as the case may be, except as provided in paragraph (b) of this section. Time, if any, necessary to prepare a vehicle for loading or unloading, as the case may be, will be excluded from the computation of time.

Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading.

Exception—When carrier makes a prearranged schedule with consignor or consignee, or others designated by them, at place of pickup or delivery for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule within 30 minutes, the time shall begin to run from the commencement of loading or unloading and not from the time of arrival of the vehicle. If carrier's vehicle arrives prior to scheduled time, the time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(b) Computations of time are subject to, and are to be made within the normal business (shipping or receiving) day at the designated premises at place of pickup or delivery, except, if carrier is permitted to work beyond this period, such working time shall also be included. When loading or unloading is not completed at the end of such day, time will be resumed at the beginning of the next such day, or when work the next is actually begun by carrier, if earlier. When loading or unloading carries through a normal meal period, meal time, not to exceed one hour, will be excluded from computation of time.

Section III—Free Time

Free time shall be as follows:

Column A		Column B	
Actual weight in pounds per vehicle	Free time in minutes	Actual weight in pounds per vehicle stop	Free time in minutes per vehicle stop
Less than 24,000.	240	Less than 10,000.	90
24,000 and less than 36,000.	300	10,000 and less than 20,000.	180
36,000 or more.	360	20,000 and less than 24,000.	240
		24,000 and less than 36,000.	300
		36,000 or more.	360

Column A—Applies to vehicles containing truckload shipments requiring only 1 vehicle, or to fully loaded vehicles containing truckload shipments requiring more than 1 vehicle, except as provided in column B.

Column B—Applies to last vehicle used in transporting overflow truckload shipments requiring 2 or more vehicles, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading

Section IV—Charges

When the delay per vehicle beyond free time is—	The charge for vehicle will be—
1 hour or less	$10.00
Over 1 hour but not over 75 minutes	12.50
Over 75 minutes but not over 90 minutes	15.00
Over 90 minutes but not over 105 minutes	17.50
Over 105 minutes but not over 120 minutes	20.00
Over 120 minutes but not over 135 minutes	22.50
Over 135 minutes but not over 150 minutes	25.00
Over 150 minutes but not over 165 minutes	27.50
Over 165 minutes but not over 180 minutes	30.00
Over 180 minutes	(1)

[1] $30.00 plus $2.50 per each 15 minutes or fraction thereof over 180 minutes.

Section V

A record of the following information must be maintained by the carriers and kept available at all times:

(a) Name and address of consignor, consignee, or other party at whose place of business freight is loaded or unloaded.

(b) Identification of vehicles tendered for loading or unloading.

(c) Date and time of notification of the arrival of the vehicle for loading or unloading.

(d) Date and time loading or unloading begins.

(e) Date and time loading or unloading is completed.

(f) Date and time vehicle is released for departure by consignor, consignee, or by other party at place of pickup or delivery after loading or unloading is completed.

(g) Total actual weight of shipment loaded or unloaded.

(h) Whether vehicles are tendered under a prearranged schedule for loading or unloading.

(i) When vehicles are tendered under a prearranged schedule for loading or unloading, date and time specified therefor.

Section VI

Nothing in this rule shall require a carrier to pick up or deliver freight at hours other than such carrier's normal business hours.

NOTE A—"Vehicles" as used in this rule means straight trucks or tractor-trailer combinations, except that this rule will not apply to trailers without power units left by carrier at place of pickup or delivery of consignor, consignee, or other party designated by them.

[F.R. Doc. 65-5917; Filed, June 4, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 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. 39812—*Anhydrous ammonia to El Dorado, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8730), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from Boutte and Luling, La., to El Dorado, Ark.

Grounds for relief—Market competition.

Tariff—Supplement 129 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

FSA No. 39813—*Sulphur from Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8733), for interested rail carriers. Rates on sulphur (brimstone) refined, as described in the application, in carloads, from Campbellton and Three Rivers, Tex., to points in southern territory, also specified points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 271 to Southwestern Freight Bureau, agent, tariff I.C.C. 4177.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5873; Filed, June 4, 1965; 8:46 a.m.]

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