(c) When SF–41 is not received within the time specified in the instructions, the Contracting Officer will ascertain reasons for delay, date report will be submitted and advise the Contracts Compliance Officer accordingly.

(d) Each contractor holding a contract subject to the reporting requirements will file annual reports by March 31. Standard Form 40, Compliance Report (Nondiscrimination Provisions of U.S. Government Contracts), for supply and architect-engineer contracts will be furnished by the Contracts Compliance Officer, from information furnished on VA Form 07–2140, Report of Contract Award. Standard Form 41, Compliance Report—Construction (Nondiscrimination Provisions of U.S. Government Contracts), will be furnished construction contractors by the Construction Contracting Officer or by the Chief, Supply or Business Services Division where station construction contracts are involved.

§ 8–12.805–6 Complaints.

Any complaints received by Contracting Officers will be forwarded promptly and directly to the Contracts Compliance Officer. This officer is responsible for processing complaints under the provisions of § 60–1.24 of the rules and regulations of the President's Committee on Equal Employment Opportunity.

§ 8–12.812 Rulings and interpretations.

All questions relating to the application and interpretations of instructions on the Equal Employment Opportunity Program in Government contracting will be referred to the Contracts Compliance Officer. Where a ruling or interpretation by the Committee is required, it will be obtained by the Contracts Compliance Officer.

§ 8–12.850 Report of contract award.

Within ten (10) work days after awarding a contract that is subject to Executive Order 10925, as amended by Executive Order 11114, the Contracting Officer shall forward to the Veterans Administration Contracts Compliance Officer, VA Form 07–2140, Report of Contract Award.

§ 8–12.851 Nonaward of contract.

(a) From time to time, the President's Committee may designate certain firms to whom no contract will be awarded until a satisfactory compliance report or Plans for Progress report has been received by the Committee. Contracting Officers will be notified of such cases, and informed of the action to be taken and when the agency may resume contractual relations with such contractors.

(b) Where a bidder or offerer indicates required reports have not been filed, award will be withheld, pending the receipt of a representation from the bidder or offerer that he has submitted all required compliance reports and that he will not make awards to proposed subcontractors until he has obtained signed statements from them that they have submitted required compliance reports, unless the circumstances in the particular case will not permit the award to be withheld. The file will be documented to show the basis upon which it is determined to make the award to the bidder or offerer without submission by him of the representation. This will not be interpreted to permit award to concerns known to be in established violation.

(c) Where a prospective contractor indicates that he will not comply with the provisions of the clause, his bid or proposal must be rejected as nonresponsive. Reports of such instances and their consequences will be referred to the Contracts Compliance Officer for such further action as may be indicated.

§ 8–12.852 Noncompliance.

Any apparent breach of contract concerning the nondiscrimination provision will be reported promptly by the Contracting Officer, directly to the Contracts Compliance Officer, who shall furnish the contractor an opportunity to take the corrective action necessary to place him in compliance with the nondiscrimination provision. The Contracting Officer will be advised by the Contracts Compliance Officer, as to any future action which must be taken by him with respect to the contractor and his present or future contracts.

These regulations are effective 45 days following publication in the FEDERAL REGISTER, but may be observed earlier.

Approved: February 15, 1965.

By direction of the Administrator.

[SEAL] A. T. McANSH,
Acting Associate Deputy Administrator.

[F.R. Doc. 65–1794; Filed, Feb. 19, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart C—Final Orders Effecting Suspension or Withdrawal of Approval of New-Drug Applications

SUSPENSION OF NEW-DRUG APPLICATIONS INVOLVING CERTAIN DIETHYLSTILBESTROL AND DIETHYLSTILBESTROL-CONTAINING DRUGS

Effective upon publication of this document in the FEDERAL REGISTER, Part 130 is amended by adding thereto a new Subpart C, as designated above, and the following section:

§ 130.201 Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs.

In the matter of suspension of approval of New-Drug Application Nos. 7175, 7310, 8254, 9105, 9506, 9532, 11121: [Mattox and Moore, Inc., Indianapolis, Ind.; Vineland Poultry Laboratories, Vineland, N.J.; George N. Bell Co., Indianapolis, Ind., respondents (FDC–D–49, 50, and 55)]

Following the public hearing held in the above-identified matter, beginning on April 25, 1960, and finally terminating on June 17, 1960, and issuance of tentative findings of fact, conclusions of law and facts, and tentative order, the Commissioner of Food and Drugs on December 15, 1961, issued final findings of fact, conclusions of law and facts and a final order. This final order concluded that all the products involved were unsafe within the meaning of section 505(e) of the Federal Food, Drug, and Cosmetic Act, in that the drug diethylstilbestrol is capable of producing and has produced cancer in animals and that this drug may be expected to produce, excite or stimulate the growth of certain cancers in human beings.

This final order was appealed to the U.S. District Court for the District of New Jersey, pursuant to the then effective provisions of section 505(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(h)). On August 20, 1964, this Court set aside this final order and remanded the case to the Food and Drug Administration with directions to reconsider the case in conformity with the opinion of the Court. (Goldhaft et al, t/a Vineland Poultry Laboratories v. George P. Larrick, etc.; Civil Action No. 122–62).

Pursuant to the above-described opinion and order of the Court this case has been reconsidered.

Based on the substantial evidence of record, and pursuant to section 505(e) of the act (21 U.S.C. 355(e)) and Part 130 of Title 21 of the Code of Federal Regulations,

It is ordered, That:

1. New-Drug Application 7175, covering the drug "Tend-A-Wate," filed by Mattox & Moore, Inc., be, and is hereby suspended.
2. New-Drug Application 9532, covering the drugs "Tend-A-Wate 537," "Tend-A-Wate 539," and "Tend-A-Wate 545," filed by Mattox & Moore, Inc., be, and is hereby suspended.
3. New-Drug Application 7310, covering the drug "Tenderettes," filed by Vineland Poultry Laboratories, be, and is hereby suspended.
4. New-Drug Application 9105, covering the drug "Caponade," filed by Vineland Poultry Laboratories, be, and is hereby suspended.
5. New-Drug Application 11121, covering the drug "Stilboserts," filed by George N. Bell, Manufacturing Chemists, be, and is hereby suspended.
6. New-Drug Application 8254, covering the drug "No-Brood," filed by Mattox and Moore, Inc., be, and is hereby suspended.
7. New-Drug Application 9506, covering the drug "Anti-Brood," filed by Vineland Poultry Laboratories, be, and is hereby suspended.

The final findings of fact, conclusions of law and facts and final order in relation to the above-identified matter, Docket Nos. FDC–D–49, 50, and 55 are on file at the Office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., and at the Office of the Federal Register, the National Archives, Washington, D.C., and may there be examined by any person properly and directly concerned. Copies of the complete findings, conclusions, and order have been mailed to each of the respondents.

(Secs. 505(e), 701(a), 52 Stat. 1053, 1055, 76 Stat. 782; 21 U.S.C. 355(e), 371(a))

Dated: February 18, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65–1845; Filed, Feb. 19, 1965; 8:50 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 331–65]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 3—GAMBLING DEVICES

Registration With Respect to Gambling Devices

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), it is hereby ordered as follows—

SECTION 1. Part 3 of Title 28 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.
3.1 Definition.
3.2 Assistant Attorney General, Criminal Division.
3.3 Registration.
3.4 Registration to be made by letter.
3.5 Seizure of gambling devices.
3.6 Seized gambling devices.

AUTHORITY: The provisions of this Part 3 issued under R.S. 161, 5 U.S.C. 22; sec. 3, Reorganization Plan No. 2 of 1950, 64 Stat. 1261.

§ 3.1 Definition.

For the purpose of this part, the term "Act" means the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 et seq.

§ 3.2 Assistant Attorney General, Criminal Division.

Subject to the general supervision and direction of the Attorney General, the Assistant Attorney General in charge of the Criminal Division is authorized to exercise the power and authority and to perform the functions vested in the Attorney General by the Act. (See also 28 CFR 0.55(i).)

§ 3.3 Registration.

Persons required to register pursuant to section 3 of the Act shall register with the Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C., 20530.

§ 3.4 Registration to be made by letter.

No special forms are prescribed for the purpose of registering under the Act. Registration shall be accomplished by a letter addressed to the Assistant Attorney General, Criminal Division, setting forth the information required by section 3(b)(4) of the Act. Registration should be made by registered or certified mail inasmuch as receipt of registrations will not otherwise be acknowledged. The registration requirement of the Act is an annual requirement. Any person engaged in any one or more of the activities for which registration is required under the Act must, in conformity with the provisions of the Act, register in each calendar year in which he engages in such activities.

§ 3.5 Seizure of gambling devices.

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation are authorized to exercise the power and the authority vested in the Attorney General by the Act to make seizures of gambling devices. (See also 28 CFR 0.86.)

§ 3.6 Seized gambling devices.

All gambling devices seized pursuant to the Act shall be held for, or turned over to, the United States Marshal for the district in which the seizure is made. Except for the power and authority conferred by § 3.5, United States Marshals are, in accordance with the proviso in the last sentence of section 7 of the Act, authorized and designated as the officers to perform the various duties with respect to seizures and forfeitures of gambling devices under the Act which are comparable to the duties performed by collectors of customs or other persons with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws.

SEC. 2. Section 0.55(i) of Title 28 of the Code of Federal Regulations is amended to read as follows:

§ 0.55 General functions.

* * * * *

(i) Enforcement of the Act of January 2, 1951, 64 Stat. 1134, as amended by the Gambling Devices Act of 1962, 76 Stat. 1075, 15 U.S.C. 1171 et seq., including registration thereunder. (See also 28 CFR 3.2.)

§ 0.86 [Amended]

* * * * *

SEC. 3. Section 0.86 of Title 28 of the Code of Federal Regulations is amended by inserting "as amended," immediately after "64 Stat. 1135,", and by adding at the end thereof "(See also 28 CFR 3.5.)".

SEC. 4. The amendments made by this order shall be effective upon the publication of this order in the FEDERAL REGISTER. Order No. 4173, of April 16, 1951, is superseded effective upon such publication.

Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) with respect to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest in this instance because such compliance would unduly delay and impede the administration and enforcement of the Act.

Dated: February 18, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65–1867; Filed, Feb. 19, 1965; 9:35 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 11, 19, 24]

CERTAIN CUSTOMS FEES

Notice of Proposed Increases

The Bureau of Customs has determined that certain customs fees are no longer adequate to recover the cost of services provided. The services are the type described in 5 U.S.C. 140 as intended by Congress to be self-sustaining to the fullest extent possible. To give full effect to the expressed intent of Congress, it is proposed to increase certain customs fees required to be collected in connection with applications for the following actions:

(1) For recording a trade-mark, trade name, or copyright, from $90.00 to $100.00.

(2) For establishment of a customs bonded warehouse, from $75.00 to $80.00.

(3) For annual subscription to the "Monthly Supplement to Merchant Vessels of the United States" from $4.20 to $5.00.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, under the authority of section 161 of the Revised Statutes, as amended, section 251 of the Revised Statutes, section 624 of the Tariff Act of 1930, and Title V, section 501 of the Act of August 31, 1951 (5 U.S.C. 22, 140, 19 U.S.C. 66, 1624), it is proposed to amend §§ 11.15(a), 11.16, 11.19(a) (1) and (2), 19.2(a) and 24.12(a) (1) and (4), Customs Regulations, to provide for the increase in fees shown above. The amendment in tentative form is as follows:

Section 11.15(a) is amended by substituting "$100" for "$90" in the second sentence.

Section 11.16 is amended by substituting "$100" for "$90" in the second sentence.

Section 11.19(a)(1) is amended by substituting "$100" for "$90" in the second sentence.

Section 11.19(a)(2) is amended by substituting "$100" for "$90" in the third sentence.

Section 19.2(a) is amended by substituting "$80" for "$75" in the first sentence.

Section 24.12(a)(1)(i) is amended by substituting "$100" for "$90".

Section 24.12(a)(1)(iii) is amended by substituting "$80" for "$75".

Section 24.12(a)(4) is amended by substituting "$5.00" for "$4.20".

Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

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

Approved: February 8, 1965.
JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-1811; Filed, Feb. 19, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1061, 1064]

[Docket Nos. AO 327-A6-7, AO 23-A27]

MILK IN ST. JOSEPH, MO., AND GREATER KANSAS CITY MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the St. Joseph, Mo., and Greater Kansas City marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearings on the records of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, were conducted at Kansas City, Missouri, on November 4-6, 1964, pursuant to notices thereof issued October 12 and 22, 1964 (29 F.R. 14233 and 29 F.R. 14669, respectively) and at Overland Park, Kans., on December 3, 1964, pursuant to notice thereof issued November 17, 1964 (29 F.R. 15651).

Issue 5 below was considered at the December 3 hearing. Issue 6 was listed in the hearing notice for the November 4 and December 3 hearings, although no evidence pertaining thereto was submitted at either hearing. All other issues were considered at the November 4 hearing.

The material issues on the hearing records relate to:

1. Expanding the Greater Kansas City marketing area.
2. Revising location differentials applicable to the Class I and uniform prices of the Greater Kansas City order.
3. Establishing a higher-priced class for milk used in cottage cheese and other classification and accounting changes in both orders.
4. Revising the mileage limitations on transfers and diversions for Class II use under the Greater Kansas City order.
5. Changing the distributing plant qualifications for attaining pool plant status under the St. Joseph order.
6. Handler exemption under the St. Joseph order.
7. Miscellaneous changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearings and the records thereof:

1. *Marketing area—Greater Kansas City order.* The Greater Kansas City marketing area should be expanded to include Pettis County, Mo. Cloud, Dickinson, Franklin, Lincoln, Osage, and Saline Counties, Kans., should not be included in the area at this time.

Six producer cooperatives representing substantially more than two-thirds of the producers supplying plants that would be regulated by the amended order proposed the addition of Pettis County to the marketing area. Pettis County adjoins the present marketing area on its eastern boundary. Grade A milk products sold for fluid consumption in Pettis County are governed by health ordinances, practices and procedures patterned after the U.S. Public Health Milk Ordinance and Code. Such regulations are similar to the sanitary regulations effective in the communities now included in the marketing area.

Incorporating Pettis County in the marketing area would provide full regulation for one handler, with a plant at Sedalia in Pettis County, who is now fully regulated by the Greater Kansas City order in some months and partially regulated in other months. This results because the handler's Class I sales in the present marketing area in several months of the year are less than 15 percent of his Grade A milk receipts, the minimum distribution in the marketing area that is required for full regulation. All of the approximately 50 producers at the plant of this handler are members of the principal cooperative association serving the market. The handler supported the addition of Pettis County to the marketing area so that he would be assured, because of the proportion of his total sales in this county, of being fully regulated under the Greater Kansas City order at all times. There was no opposition to the inclusion of Pettis County.