

43°02'35" N., longitude 115°52'05" W.), on the W by the Boise, Idaho, VORTAC 204° radial and on the NW by the arc of a 25-mile radius circle centered on the Boise VORTAC; that airspace SE of Mountain Home, extending upward from 6,500 feet MSL, extending from the 35-mile radius area bounded on the NE by V-253, on the S by latitude 42°24'00" N., and on the W by longitude 115°39'00" W., excluding the portion within the Twin Falls, Idaho, transition area; that airspace S of Mountain Home, extending upward from 7,500 feet MSL, extending from the 35-mile radius area bounded on the E by longitude 115°39'00" W., on the S by the arc of a 46-mile radius circle centered on Mountain Home AFB, and on the NW by a line 5 miles NW of and parallel to the Mountain Home AFB VOR 208° radial; and that airspace S of Mountain Home, extending upward from 10,500 feet MSL within 5 miles each side of the Mountain Home VOR 178° and 208° radials, extending from the 46-mile radius circle to 61 miles S and SW of the VOR.

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

Issued in Los Angeles, Calif., on March 2, 1965.

NED K. ZARTMAN,  
Acting Deputy Director,  
Western Region.

[F.R. Doc. 65-2527; Filed, Mar. 11, 1965; 8:46 a.m.]

[Airspace Docket No. 64-SO-68]

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

### Designation of Transition Area

On December 29, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 18510) stating that the Federal Aviation Agency proposed to designate a transition area at Vero Beach, Fla.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

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

#### VERO BEACH, FLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Vero Beach, Fla., Municipal Airport (latitude 27°39'15" N., longitude 80°24'55" W.) and within 2 miles each side of the Vero Beach VORTAC 291° radial extending from the 6-mile radius area to 8 miles W of the VORTAC; that airspace extending upward from 1,300 feet above the surface within a 20-mile radius of the Vero Beach VORTAC, including the area SW of Vero Beach bounded on the E by V-51, on the SW by V-492N, on the NW by V-225, and including the airspace W of Vero Beach bounded on the SE by V-223, on the W by V-267, on the NE by V-295; excluding the airspace within a 25-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'15" N., longitude 80°36'35" W.) and the airspace outside of the continental limits of the United States.

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

No. 48—2

Issued in East Point, Ga., on March 2, 1965.

PAUL H. BOATMAN,  
Acting Director, Southern Region.

[F.R. Doc. 65-2528; Filed, Mar. 11, 1965; 8:46 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-431]

## PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

### Terms of Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of March 1965.

By notice of proposed rule making issued December 31, 1964, EDR-77, Docket 15773, and published at 30 F.R. 92, the Board advised of its intention to amend Part 295 of the Economic Regulations with respect to the furnishing of substitute air transportation and incidental expenses in connection with the originating legs of flights in transatlantic supplemental air transportation. The amendment will require supplemental air carriers to provide substitute air transportation where cancellations or delays occur on the originating legs of transatlantic charter flights in the same manner as they are now required to do on the return legs of such flights. Also, with respect to the originating legs of such flights, the supplemental air carriers are expected to provide incidental expenses (meals and lodging or payment therefor) to delayed charter passengers whose homes are not located within a reasonable distance from the point of charter origination.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Accordingly, in consideration of the foregoing, the Board hereby amends Part 295 of its Economic Regulations (14 CFR Part 295) effective April 11, 1965 as set forth below:

1. Amend § 295.14(c) (1) (i) by deleting the words "bound from a point outside the continent where the charter originated to the point where it terminates" after the initial phrase therein "On all charter flights" so that the subdivision reads as follows:

(i) On all charter flights, unless the air carrier causes an aircraft to finally enplane each passenger and commence the takeoff procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

2. Amend § 295.14(c) (2) by adding after the heading "Incidental expenses" in said subparagraph the footnote designation "1a" and a footnote reading as follows:

"Although the requirements with respect to providing incidental expenses are made expressly applicable only to the return leg

of a charter flight, the air carriers are expected, in the case of delay in departure of the originating leg of a flight, to furnish such incidental expenses to charter passengers whose homes are not located within a reasonable distance from the point of origination of the charter.

(Sec. 204(a), Federal Aviation Act of 1958; 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d) (3), 401(n), 76 Stat. 143, 144; 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 65-2540; Filed, Mar. 11, 1965; 8:47 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

#### Subpart D—Food Additives Permitted in Food for Human Consumption

##### POLYETHYLENE GLYCOL 6000

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1633) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166, and other relevant material, has concluded that § 121.1057 (c) should be amended to prescribe the use of polyethylene glycol 6000 as an adjuvant in nonnutritive sweeteners consisting of saccharin salts and cyclamate salts. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1057(c) is amended by adding thereto a new subparagraph (3) as follows:

#### § 121.1057 Polyethylene glycol 6000.

(c) . . . .

(3) As an adjuvant to improve flavor and as a bodying agent, with those non-nutritive sweeteners identified in § 121.101(d) (4).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to

justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date: This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 8, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-2551; Filed, Mar. 11, 1965;  
8:47 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

### Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

#### VEGETABLE PARCHMENT SUBJECT TO RADIATION USED IN PROCESSING FOOD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5M1622) filed by the Department of the Army, Quartermaster Research and Engineering Center, Natick, Mass., and other relevant material, has concluded that the food additive regulations should be amended to provide for the conditions under which vegetable parchment may be safely subjected to radiation used in the processing of food in contact with vegetable parchment. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended in the following respects:

1. Section 121.2543 is amended by adding thereto a new paragraph (c) as follows:

§ 121.2543 Packaging materials for use in radiation preservation of prepackaged foods.

(c) The following packaging materials may be subjected to a dose of radiation, not to exceed 6 megarads incidental to the use of gamma or X-radiation in the radiation processing of prepackaged foods:

(1) Vegetable parchments, consisting of a cellulose material made from waterleaf paper (unsized) treated with concentrated sulfuric acid, neutralized, and thoroughly washed with distilled water.

(2) [Reserved]

2. Section 121.3002(b) is amended by inserting in the "Limitations" column in the table a new parenthetical phrase "(with or without a vegetable parchment inner wrap)", immediately after the word "packing." As amended, the "Limitations" column for this item reads as follows:

§ 121.3002 Gamma radiation for the processing and treatment of food.

(b) \* \* \*

| Irradiated food  | Limitations                                                                                                                                                                                                                                           | Use                     |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Canned bacon.... | Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing (with or without a vegetable parchment inner wrap) under vacuum or in an inert atmosphere; absorbed dose: 4.5 to 5.6 megarads. | Radiation preservation. |

3. Section 121.3005(b) is amended by inserting in the "Limitation" column in the table a new parenthetical phrase, "(with or without a vegetable parchment inner wrap)", immediately after the word "packing." As amended, the "Limitation" column reads as follows:

§ 121.3005 X-radiation for the processing of food.

(b) \* \* \*

| Irradiated food  | Limitation                                                                                                                                                                                                                                            | Use                     |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Canned bacon.... | Irradiated in cans coated with polymeric and resinous coatings meeting the specifications in § 121.2514, after packing (with or without a vegetable parchment inner wrap) under vacuum or in an inert atmosphere; absorbed dose: 4.5 to 5.6 megarads. | Radiation preservation. |

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 8, 1965.

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

[F.R. Doc. 65-2550; Filed, Mar. 11, 1965;  
8:47 a.m.]

## Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration PART 3—ADJUDICATION

#### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

##### ADJUSTMENTS BASED ON CHANGE IN INCOME, NET WORTH OR STATUS

Sections 3.660 and 3.661 are revised to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance*—(1) *General*. A veteran, widow or child who is receiving pension, or a parent who is receiving compensation or dependency and indemnity compensation must notify the Veterans Administration of any material change or expected change in his income or other circumstances which would affect his entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when he acquires knowledge that he will begin to receive additional income at a rate which if continued will cause his income to exceed the income limitation or increment applicable to the rate of the benefit being paid or when his marital or dependency status changes. In pension claims subject to § 3.252(b) and in compensation claims subject to § 3.250(a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

(2) *Contingency*. The payee's award will be reduced or discontinued effective the last day of the month in which the rate of income increased or the marital or dependency status changed, or dependency ceased, or the increase in corpus of estate or net worth occurred.

(3) *Anticipated increase*. When information has been furnished by the payee that he anticipates receiving income which will require reduction or discontinuance of pension, compensation or dependency and indemnity compensation, the award will be reduced or discontinued effective the last day of the month in which the payee anticipates he will begin to receive such income, subject to adjustment if the increase occurs in a different month (38 U.S.C. 3012(b)(4)).

(4) *Overpayments*. Overpayments created by retroactive discontinuance of benefits will be subject to recovery if not waived. Where dependency and indemnity compensation was being paid to two parents living together, an overpayment will be established on the award to each parent.

(b) *Award or increase; income*. Where pension or dependency and indemnity compensation was not paid for a particular year because the claim was disallowed, an award was deferred under § 3.260(b), payments were discontinued or made at a lower rate based on anticipated or actual income, benefits otherwise payable may be authorized commencing the first of a calendar year as provided in this paragraph (38 U.S.C. 3010(h)). In all other cases, benefits may not be authorized for any period

prior to the date of receipt of a new claim.

(1) *Anticipated income.* Where payments were not made or were made at a lower rate because of anticipated income, pension or dependency and indemnity compensation may be awarded or increased in accordance with the facts found but not earlier than January 1 of that year if satisfactory evidence is received within the same or the next calendar year.

(2) *Actual income.* Where the claimant's actual income exceeded the statutory limitation, or was within a higher income increment, pension or dependency and indemnity compensation may be awarded or increased effective January 1 of the next calendar year if satisfactory evidence is received within that calendar year.

(c) *Increase; change in status.* Where there is a change in the payee's marital status or status of the payee's dependents which would permit payment at a higher rate, the increased rate will be effective from the date of receipt of notice constituting an informal claim reporting the change in status. The rate payable for each period will be determined, as provided in § 3.260(f), on the basis of income for the full calendar year. (See § 3.651 as to increases due to termination of payments to another payee.)

(d) *Corpus of estate; net worth.* Where a claim has been finally disallowed or terminated because of the corpus of estate and net worth provisions of § 3.263, and entitlement is established on the basis of a reduction in estate or net worth, or a change in circumstances such as health, acquisition of a dependent, or increased rate of depletion of the estate, benefits or increased benefits will

not be paid for any period prior to the date of receipt of a new claim.

#### § 3.661 Income and net worth questionnaires.

(a) *Determination and entitlement.* (1) Where the questionnaire shows a change in income, net worth, marital status, status of dependents or change in circumstances affecting the application of the net worth provisions, the award will be adjusted in accordance with § 3.660(a)(2).

(2) Where there is doubt as to the extent of anticipated income payment of pension or dependency and indemnity compensation will be authorized at the lowest appropriate rate or will be withheld, as provided in § 3.260(b).

(b) *Failure to return questionnaire.* Discontinuance of pension or dependency and indemnity compensation will be effective the first of the year for which the income or net worth was to be reported or the effective date of the award, whichever is the later date.

(1) *Adjustment of overpayment.* If evidence of entitlement is thereafter received, adjustment in the retroactive discontinuance of benefits will be made for all periods of entitlement from the date of discontinuance of payments.

(2) *Resumption of benefits.* Payment may be made, if otherwise in order, from the date of last payment if evidence of entitlement is received within 1 year from the date the claimant is notified of the termination of payments; otherwise benefits may not be paid for any period prior to date of receipt of the new claim.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: March 2, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,  
Deputy Administrator.

[F.R. Doc. 65-2534; Filed, Mar. 11, 1965; 8:46 a.m.]

## Title 46—SHIPPING

### Chapter IV—Federal Maritime Commission

#### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 973 (Sub 1) General Order 4, Amdt. 1]

#### PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

##### Notice of Effective Date

On June 6, 1963, the Federal Maritime Commission published in the *FEDERAL REGISTER* (28 F.R. 5577) its order postponing the effective date of §§ 510.21 (f), (i), (j), (l), § 510.22(a), § 510.23(j), §§ 510.24 (e), (g), (h), and § 510.25(a) of 46 CFR until thirty (30) days following the decision of the United States Court of Appeals for the Second Circuit on a petition for review of these sections.

The decision of the court of appeals having become final, notice is hereby given that these rules shall become effective on April 5, 1965.

THOMAS LIST,  
Secretary.

[F.R. Doc. 65-2538; Filed, Mar. 11, 1965; 8:47 a.m.]