other scientific purposes only on such conditions and under such safeguards as may be prescribed by the Director of the Plant Pest Control Division to carry out the purposes of this subpart. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag issued by the Director.

§ 301.64–8 Nonliability of Department.

The U.S. Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

§ 301.64–9 Movement of live Mexican fruit flies; regulations.

Regulations requiring a permit for, and otherwise governing the movement of live Mexican fruit flies are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, Hyattsville, Md., 20781, in accordance with said part.

This revision shall become effective July 14, 1965, when it shall supersede the quarantine and regulations effective October 25, 1957, as amended (§§ 301.64, 301.64–1, et seq.).

This revision changes the format of the Mexican fruit fly quarantine and supplemental regulations in the interests of clarity and simplification. It also recognizes that Hawaii is a citrus-producing State and that Guam, Puerto Rico, the Virgin Islands of the United States, and Plaquemines Parish in Louisiana are citrus producing areas and are entitled to the same protection from Mexican fruit fly infestation as afforded citrus-producing States of the continental United States. Such recognition has already been accomplished in an amendment of the then existing § 301.64–6(a)(2) which was published in the FEDERAL REGISTER (30 F.R. 2649), and which became effective March 2, 1965.

Inasmuch as the changes involved in this revision are nonsubstantive, notice and other public procedure would serve no useful purpose; and since the revision clarifies and simplifies the quarantine and supplemental regulations, it should be made effective as soon as possible. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public rule making procedure regarding this revision are unnecessary, impracticable, and contrary to the public interest; and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July, 1965.

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

[F.R. Doc. 65–7445; Filed, July 13, 1965; 8:49 a.m.]

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

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On June 24, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 8110), regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1965, and ending March 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 923, as amended (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1965, through March 31, 1966, will amount to $7,845.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $1.00 per ton of sweet cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period, and (2) such period began on April 1, 1965, and said rate of assessment will automatically apply to all such cherries beginning with such date.

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

Dated: July 9, 1965.

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

[F.R. Doc. 65–7446; Filed, July 13, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965-Crop Flaxseed Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Flaxseed Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686, 7662 and 30 F.R. 4750) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965 crop of flaxseed as follows:

Sec.
1421.3041 Purpose.
1421.3042 Availability.
1421.3043 Eligible flaxseed.
1421.3044 Determination of quality.
1421.3045 Determination of quantity.
1421.3046 Warehouse receipts.
1421.3047 Service charges.
1421.3048 Warehouse charges.
1421.3049 Maturity of loans.
1421.3050 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1447, 1421.

§ 1421.3041 Purpose.

This supplement contains program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto (referred to herein as "general regulations"), apply to loans and purchases for 1965-crop flaxseed.

§ 1421.3042 Availability.

(a) Producers desiring to participate in this program must file an application for price support not later than December 31, 1965, in Arizona and California, and not later than April 30, 1966, in all other States.

(b) Loans will be available through December 31, 1965, in Arizona and California, and through April 30, 1966, in all other States.

§ 1421.3043 Eligible flaxseed.

(a) *General.* To be eligible for a loan or a purchase, the flaxseed (1) must be merchantable for crushing into oil and feed, as determined by CCC, (2) must not contain mercurial compounds or other substances poisonous to man or animals, (3) must not have been produced on diverted acreage under the Regulations Pertaining to Wheat Diversion Program for 1964 and 1965 (28 F.R. 5133 and 29 F.R. 5507 and any amendments thereto), or on diverted acreage under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590 and any amendments thereto), (4) if farm-stored, must not be commingled with ineligible produc-

tion, and (5) if warehouse-stored, must be represented by warehouse receipts issued on eligible production.

(b) *Warehouse-stored loan grade requirements.* To be eligible for a warehouse-storage loan, the flaxseed must also grade No. 1 or No. 2.

§ 1421.3044 Determination of quality.

Determinations of grade and all grade and quality factors, whether made prior to, or on or after July 15, 1965, shall be based on the Official Grain Standards of the United States for Flaxseed which are to become effective July 15, 1965, whether or not such determinations are made on the basis of an official inspection.

§ 1421.3045 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage.

(a) *In warehouse.* The quantity of flaxseed in an approved warehouse on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt, or on the supplemental certificate if applicable.

(b) *On farm.* The quantity of flaxseed eligible to be placed under a farm-storage loan shall be determined in accordance with § 1421.67 of the general regulations. The quantity acquired by CCC from farm storage shall be determined by weight.

§ 1421.3046 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade of flaxseed.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight, and net bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) percentage of heat damaged flaxseed or damaged flaxseed (total) when these factor(s) determine(s) the grade, (7) whether the flaxseed arrived by rail, truck, or barge, and (8) the date the flaxseed was received or deposited in the warehouse.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.3048.

(d) *Freight bill requirements.* Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the flaxseed and must reflect the total freight rate from origin to designated terminal point, including penalty for out-of-line haul, if any. The form of these certificates will be prescribed by the ASCS commodity office, shall be signed by the warehouseman, and may be made a part of the supplemental certificate.

§ 1421.3047 Service charges.

A service charge of one-half cent per bushel will be made for the quantity of flaxseed acquired by CCC and such charge shall be handled in accordance with § 1421.60(b) of the general regulations.

§ 1421.3048 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage. In no event shall a warehouseman be entitled to satisfy the lien by sale of the flaxseed when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deductions for storage charges (gross weight basis) to be made from the amount of the loan or purchase price in the case of flaxseed stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the flaxseed was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Jan. 31, 1966	Deduction (cents per bushel)	Maturity date of May 31, 1966
(1)		(1)
	14	Prior to June 2, 1965.
	13	June 2-June 28, 1965.
	12	June 29-July 25, 1965.
Prior to Apr. 24, 1965..	11	July 26-Aug. 21, 1965.
Apr. 24-May 20, 1965..	10	Aug. 22-Sept. 17, 1965.
May 21-June 16, 1965..	9	Sept. 18-Oct. 14, 1965.
June 17-July 13, 1965..	8	Oct. 15-Nov. 10, 1965.
July 14-Aug. 9, 1965....	7	Nov. 11-Dec. 7, 1965.
Aug. 10-Sept. 5, 1965..	6	Dec. 8, 1965-Jan. 3, 1966.
Sept. 6-Oct. 2, 1965.....	5	Jan. 4-Jan. 30, 1966.
Oct. 3-Oct. 29, 1965....	4	Jan. 31-Feb. 26, 1966.
Oct. 30-Nov. 25, 1965..	3	Feb. 27-Mar. 25, 1966.
Nov. 26-Dec. 22, 1965..	2	Mar. 26-Apr. 21, 1966.
Dec. 23, 1965-Jan. 31, 1966.	1	Apr. 22-May 31, 1966.

[1] Dates storage charges start, all dates inclusive.

§ 1421.3049 Maturity of loans.

Loans mature on demand but not later than: January 31, 1966, on flaxseed stored in Arizona and California; May 31, 1966, on flaxseed stored in all other States.

§ 1421.3050 Support rates.

Basic support rates, premiums, and discounts for flaxseed will be published as an amendment to this section. Farm-stored flaxseed loans will be made at the applicable basic county support rate, adjusted only for the Weed Control Law discount, where applicable. The support rate for warehouse-storage loans and for flaxseed acquired under a loan or by purchase shall be the applicable basic support rate adjusted as provided in this section, and in the case of settlements of loans and purchases, as further provided in § 1421.72 of the general regulations.

(a) *Support rates at designated terminal markets*—(1) *Minneapolis and St. Paul, Minn.* (i) The support rates established for the Minneapolis and St. Paul terminal markets apply to flaxseed shipped on a domestic interstate freight rate basis. The support rate at these terminal markets for any flaxseed shipped at other than the domestic interstate freight rate, shall be reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate.

(ii) The support rates established for the Minneapolis and St. Paul, Minn., terminal markets also apply to flaxseed which has been shipped by rail or water from a country shipping point to one of such designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the terminal support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the flaxseed is stored at either of such designated terminal markets and neither registered freight bills nor registered freight certificates are presented, the support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(iii) The support rate for flaxseed received by truck and stored at either of these terminal markets shall be determined by deducting from the terminal support rate 4.5 cents per bushel plus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(2) *Port terminal markets.* In determining the support rate for flaxseed shipped by rail or water and stored at any of the port terminal markets speci-

fied in this subparagraph, there shall be deducted from the applicable terminal rate, the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the flaxseed to a tidewater facility located within the switching limits of the terminal market to which it was delivered. In determining the support rate for flaxseed delivered by truck to such terminal markets, there shall also be deducted from the terminal rate 4.5 cents per bushel:

Los Angeles and San Francisco, Calif.
Duluth, Minn.
Superior, Wis.
Corpus Christi and Houston, Tex.

(b) *Support rates for flaxseed in approved warehouse storage at other than designated terminal markets.* In determining the support rate for flaxseed which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets), there shall be deducted from the support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such flaxseed to such terminal market: *Provided*, That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate from the point of origin of such flaxseed to the point of destination or appropriate terminal market: *And provided further*, That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated terminal market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 9, 1965.

RAY FITZGERALD,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-7449; Filed, July 13, 1965; 8:49 a.m.]

[Announcement PS-CN-2, Amdt. 4]

PART 1427—COTTON

Subpart—1964–66 Cotton Equalization Program—Payment-in-Kind Regulations

REDUCTION IN REQUIRED PERFORMANCE SECURITY

In order to take into consideration the initial rate of payment announced for the 1965–66 marketing year, § 1427.1958 of the 1964–66 Cotton Equalization Program—Payment-In-Kind Regulations (Announcement PS-CN-2), dated July 1, 1964 (29 F.R. 8496), as amended, is revised to read as follows:

§ 1427.1958 Performance security.

Each cotton handler submitting Forms 854 under paragraph (b) of § 1427.1956 or desiring to assume another cotton handler's domestic consumption or export obligation as provided in § 1427.1966 must furnish CCC with performance security in the form of a cash deposit, bond, letter of credit, or other security, acceptable to CCC, to assure performance of his outstanding domestic consumption or export obligations, compliance with his inventory requirement, and payment of any liquidated damages becoming due under this subpart. Such performance security shall at all times be in an amount at least equivalent to 7.25 cents per pound for each pound of cotton on which he has outstanding domestic consumption or export obligations, as determined under § 1427.1959. It shall be the responsibility of each cotton handler to make certain that he has furnished to CCC the necessary amount of performance security.

(Sec. 4, 5, 62 Stat. 1070, as amended, sec. 101, 78 Stat. 173; sec. 203, 70 Stat. 188; 15 U.S.C. 714b, 714c, 7 U.S.C. 1348, 7 U.S.C. 1853)

Effective date. This amendment shall be effective on July 18, 1965.

Signed at Washington, D.C., on July 9, 1965.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-7450; Filed, July 13, 1965; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Payment of Indemnities

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.2 of Part 51, Subchapter B, Chapter I, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.2 Payment to owners for cattle destroyed.

Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however*, That no such payment for cattle destroyed shall exceed $25 for any grade animal or $50 for any purebred animal except in Alaska, Hawaii, Puerto Rico, and the Virgin Islands where no payment for any animal destroyed shall exceed $50; except that the Director of Division may authorize payment of indemnity for tuberculosis not to exceed $100 for any grade animal or $200 for any purebred animal which has been found to be exposed, is a part of a known infected herd, and it has been determined by the Director of Division that destruction of all the cattle in the herd will contribute to the tuberculosis eradication program: *Provided*, That the joint State-Federal indemnity payments, plus salvage, does not exceed the appraised value of the animal: *And provided further*, That in the case of tuberculosis or paratuberculosis reactors, no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

(Secs. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The amendment will be of benefit to affected persons as it will permit increased payment of indemnity on animals exposed to tuberculosis where it is determined that destruction of the entire herd will contribute to the tuberculosis eradication program. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of July 1965.

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

[F.R. Doc. 65-7451; Filed, July 13, 1965; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS (REVISION 5)

Miscellaneous Amendments

The Small Business Size Standards (Revision 5) (30 F.R. 2247), as amended (30 F.R. 4252, 6778), is hereby further amended by adding § 121.3–14 thereto. The purpose of § 121.3–14 is to give the public notice of all official interpretations

of Part 121. Section 121.3–14, as added hereby, reads as follows:

§ 121.3–14 Interpretations.

(a) Section 121.3–2(b) of Part 121, "Annual Sales or Annual Receipts." When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such intercompany transactions, in effect, would mean that the receipts of a concern, including its affiliates, would be counted more than once.

Effective date: April 5, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65–7369; Filed, July 13, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 5061; Amdts. 21–3; 39–106]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 39—AIRWORTHINESS DIRECTIVES

The purpose of this amendment to Parts 21 and 39 of the Federal Aviation Regulations is to remove certain procedural restrictions heretofore imposed on the FAA with regard to the issue of airworthiness directives (AD's). This action was published as a notice of proposed rule making (29 F.R. 6446) and circulated as Notice 64–26 dated May 16, 1964.

That Notice contemplated, first, the nonsubstantive recodification of pertinent Civil Air Regulations and Regulations of the Administrator into the Federal Aviation Regulations and, secondly, deletion of procedural restrictions on the Administrator's authority to issue AD's. The first step was accomplished by amendment published in 29 F.R. 14403, October 20, 1964. This amendment accomplishes the second step.

Part 39 imposes two restrictions on the issue of AD's for unsafe conditions. The unsafe condition giving rise to an AD must (1) have been found as a result of service experience and (2) be with respect to a design feature, part, or characteristic. Both restrictions were originally imposed, prior to the Federal Aviation Act, by the Civil Aeronautics Board (CAB) when it delegated the authority to issue AD's to the Civil Aeronautics Administration (CAA). The Federal Aviation Act of 1958 combined the safety rule making authority of the CAB and CAA and vested it in the FAA and these carried over restrictions are contrary to the intent of that act. This amendment removes the two restrictions from the regulations and will allow AD's to be issued for unsafe conditions however and wherever found.

Most of the comments received in response to the notice of proposed rule making were directed to the remark in the preamble that "an unsafe condition that results from maintenance, as well as one due to a design defect, will be subject to the issuance of an airworthiness directive." The Notice stressed, perhaps unduly, this one cause of unsafe conditions whereas, in actuality, there are many causes. It is clear from the foregoing discussion that the responsibilities placed on the FAA by the Federal Aviation Act justify broadening the regulation to make any unsafe condition, whether resulting from maintenance, design defect, or otherwise, the proper subject of an AD. At the same time the Agency recognizes that use of AD's to correct improper or inadequate maintenance on the part of particular persons or organizations would impose an unreasonable burden on the vast majority of persons who comply with the regulations and properly maintain their aircraft. The Agency, accordingly, will not issue AD's as a substitute for enforcing maintenance rules. In addition, the present provision that the unsafe conditions must be likely to exist or occur in other aircraft effectively precludes the issue of AD's to correct problems arising from poor maintenance practices on the part of an individual operator.

Two other comments, suggesting that the revised regulations go beyond the minimum standards and reasonable rules and regulations authorized by the Federal Aviation Act, opposed deletion of the restrictions on the ground that the way would thus be open for abuses by individual FAA personnel. This amendment, as such, imposes no additional requirements on anyone. Only when it is implemented through the issue of future AD's will it have any regulatory effect. The issue of AD's is governed by the Administrative Procedure Act and its provisions relating to public notice and procedure. In addition, we agree with the commentators that the Federal Aviation Act of 1958 allows only the issue of minimum standards and reasonable rules and regulations. AD's are no different than the other types of rules issued by this Agency and we cannot and will not issue an AD unless we are convinced that its need and scope are fully justified.

Since service experience would now be only one of several bases that may generate an AD requiring a design change, the § 21.99 catchline is being amended to read "Required design changes."

Interested persons have been afforded the opportunity to participate in making this amendment. All relevant material submitted has been fully considered.

In consideration of the foregoing, Parts 21 and 39 of the Federal Aviation Regulations are amended as follows effective August 13, 1965.

1. By amending the section heading of § 21.99 to read as follows:

§ 21.99 Required design changes.

* * * * *

2. By amending § 39.1(a) to read as follows:

§ 39.1 Applicability.

* * * * *

(a) An unsafe condition exists in a product; and

* * * * *

(Secs. 601 and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1421 and 1423)

Issued in Washington, D.C., on July 7, 1965.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 65–7370; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64–WE–32]

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

Designation of Control Zone and Transition Area, Alteration of Transition Areas

On December 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 16995) stating that the Federal Aviation Agency proposed to designate a control zone and transition area at Corvallis, Oreg., and alter the Kings Valley and Eugene, Oreg., transition areas.

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., September 16, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581), the Corvallis, Oreg., control zone is added as follows:

CORVALLIS, OREG.

Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.). This control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643), the Corvallis, Oreg., transition area is added as follows:

CORVALLIS, OREG.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.); within 2 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 7 miles NE of the Fischer FM and within 2 miles each side of the 044° bearing from latitude 44°33'25" N., longitude 123°16'22" W., extending from the 7-mile radius area to 5 miles NE of latitude 44°33'25" N., longitude 123°16'22" W.; that airspace extending upward from 1,200 feet above the surface within 6 miles NW and 8 miles SE of the Corvallis VOR 029° and 209° radials, extending from 6 miles SW to 17 miles NE of the VOR.

3. In § 71.181 (29 F.R. 17674) the Kings Valley, Oreg., transition area is amended to read:

KINGS VALLEY, OREG.

That airspace extending upward from 1,200 feet above the surface within 12 miles NW and 8 miles SE of the Newberg, Oreg., VORTAC 204° radial, extending from 9 miles NE to 22 miles SW of the INT of the Newberg VORTAC 204° and the Eugene, Oreg., VORTAC 347° radials, and that airspace N of

Kings Valley INT bounded on the NW by V-99, on the SE by V-23W and on the SW by a line 39 miles NW of and parallel to the Eugene VORTAC 295° radial, excluding the portion within the Corvallis, Oreg., transition area.

4. Section 71.181 (29 F.R. 17643) is amended as follows:

In the Eugene, Oreg., transition area, "excluding the portion within the Kings Valley, Oreg., transition area." is deleted and, "excluding the portion within the Corvallis, Oreg., transition area." is substituted therefor.

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

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

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7371; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-69]

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

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the description of the Burley, Idaho, control zone.

The Burley control zone is presently designated, in part, with reference to the Burley radio range N course. The Federal Aviation Agency has scheduled the conversion of this facility to a nondirectional radio beacon on or about September 16, 1965. Action is taken herein to substitute the 037° bearing from the radio beacon for the N course of the radio range in the description of the control zone.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this amendment may be made effective September 16, 1965.

Section 71.171 (29 F.R. 17588) is amended as follows:

In the Burley, Idaho, control zone, "and within 2 miles each side of the Burley RR N course, extending from the 5-mile radius zone to 8 miles N of the RR" is deleted and "and within 2 miles each side of the 037° bearing from the Burley RBN, extending from the 5-mile radius zone to 8 miles N of the RBN" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7372; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-74]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Concord, Calif., control zone.

The Concord control zone is presently designated as a full-time control zone. The Concord Airport traffic control tower, which provides weather reporting and communications services within the control zone, now operates from 0700 to 2300 hours, local time, daily. Therefore, action is taken herein to redesignate the Concord, Calif., control zone with effective hours coincident with those within which weather and communications services are provided.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made immediately.

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

In § 71.171 (29 F.R. 17592), the Concord, Calif., control zone is amended as follows:

CONCORD, CALIF.

Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.), from 0700 to 2300 hours, local time, daily.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 49; 49 U.S.C. 1348)

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

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-7373; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-62]

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

Transition Area Description; Correction

On page 7886 of the FEDERAL REGISTER for June 18, 1965, the Federal Aviation Agency promulgated regulations to establish transition areas over Dublin, Va. It has been determined that the description of the transition areas had minor errors which do not substantially effect the rule. To eliminate these errors the description will be amended as hereinafter provided.

Because the correction is minor in nature the public interest does not require the 30 day notice.

The subject regulation is hereby amended as follows:

1. In the second paragraph of the text material, fourth line, delete the coordinates "37°20'00" N., 80°49'00" W." and insert in lieu thereof "37°19'25" N., 80°49'10" W."

2. In the text material, second paragraph, fifth line, delete the words "15 mile arc" and insert in lieu thereof "15 NMI arc."

3. In the second paragraph of the text material, eighth line, delete the coordinate "80°25'20" W." and insert in lieu thereof "80°25'10" W."

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 29, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-7374; Filed, July 13, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-84]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Vandalia, Ill., transition area.

The following controlled airspace is presently designated in the Vandalia, Ill., terminal area:

The Vandalia, Ill., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 2 miles either side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR; the airspace S and SW of the Vandalia VOR extending upward from 1,200 feet above the surface within a 15-mile radius of the Vandalia VOR extending clockwise from the Vandalia VOR 100° radial to the Vandalia VOR 239° radial; within 10 miles NW and 7 miles SE of the Vandalia VOR 074° and 254° radials extending from 20 miles NE to 9 miles SW of the VOR; and within 8 miles W and 5 miles E of the Vandalia VOR 003° radial extending from the VOR to 12 miles N, excluding the portion within V-12.

The holding pattern predicated on the Vandalia, Ill., VOR is no longer required for air traffic control purposes and has been canceled. There is no longer any requirement for that portion of the Vandalia, Ill., transition area which was designated to provide controlled airspace for the holding pattern. Therefore, that portion of the transition area is herein released.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Vandalia, Ill., transition area is amended to read:

VANDALIA, ILL.

The airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.); within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR; and the airspace extending upward from 1,200 feet above the surface within a 10-mile radius of the Vandalia Municipal Airport and within 5 miles E and 8 miles W of the Vandalia 003° and 183° radials extending from the 10-mile radius area to 12 miles N of the VOR, excluding the portion within V-12.

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