alter controlled airspace in the Dubuque, Iowa, terminal area.

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:

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

DUBUQUE, IOWA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-100, on the E by the west edge of V-63, on the S by the north edge of V-172, and on the W by the east edge of V-67, excluding the portions which overlie the Cedar Rapids, Iowa, and Waterloo, Iowa, transition areas.

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

Issued in Kansas City, Mo., on July 24, 1965.

DONALD S. KING,
Acting Director,
Central Region.

[F.R. Doc. 65-8199; Filed, Aug. 4, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-42]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the designated altitude of Restricted Area R-5301A at Albemarle Sound, N.C.

The Department of the Navy has advised the FAA that R-5301A is no longer needed from the surface to 20,000 feet MSL and that from the surface to 5,000 feet MSL is sufficient airspace to contain the activities being conducted in this restricted area. Therefore, action is taken herein to reduce the designated altitude accordingly.

Since this amendment is less restrictive to the public, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.53 (29 F.R. 17760), Restricted Area R-5301A at Albemarle Sound, N.C. is amended by deleting "Designated altitudes. Surface to 20,000 feet MSL." and substituting therefor "Designated altitudes. Surface to 5,000 feet MSL."

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

Issued in Washington, D.C. on July 28, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-8200; Filed, Aug. 4, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-80]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R-6404 at Wendover, Utah by subdividing the area and naming the subdivisions R-6404A and R-6404B.

The complex and diversified activities being conducted in R-6404 necessitate a considerable amount of shared use of the airspace involved by the various military users. As a result of a concentrated study made by FAA and military representatives, satisfactory operational procedures for use of the airspace were achieved. Although the airspace presently designated for R-6404 is in no way changed by the amendments herein, the Agency has determined, in accord with requirements of the military and the public, that subdivision of the restricted area is necessary to insure the most effective utilization of the airspace. In addition, a change in the using agency is made from "Commander, Ogden Air Material Area, Ogden, Utah" to "Commander, Hill AFB, Utah." This change is reflected in both R-6404A and R-6404B. Finally, the name of R-6404, as subdivided, is changed from "Wendover, Utah" to "Hill AFB Range (South or North), Utah."

Since these changes are the result of procedural modifications that permit a more efficient use of the airspace involved by both the public and military users and since the amendments are totally editorial in nature, notice and public procedure hereon are unnecessary and the amendments may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.64 (29 F.R. 17768), Restricted Area R-6404 at Wendover, Utah, is amended by subdividing the area into R-6404A and R-6404B as follows:

a. R-6404A, HILL AFB RANGE SOUTH, UTAH

Boundaries. Beginning at latitude 41°00'-00" N., longitude 112°56'30" W.; to latitude 40°51'30" N., longitude 112°56'30" W.; to latitude 40°48'30" N., longitude 113°40'00" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

b. R-6404B, HILL AFB RANGE NORTH, UTAH

Boundaries. Beginning at latitude 41°10'-40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to latitude 41°15'00" N., longitude 113°43'50" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Salt Lake City ARTC Center.

Using agency. Commander, Hill AFB, Utah.

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

Issued in Washington, D.C., on July 28, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-8201; Filed, Aug. 4, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-441]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Amendment of Liability Insurance Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of July 1965.

By notice of proposed rule making EDR-75, dated November 18, 1964, Docket 13984 (29 F.R. 15657), the Board proposed certain amendments to the liability insurance requirements for supplemental air carriers contained in Part 208. The amendments were designed to relieve the supplemental carriers of the excessive costs of "open-end" worldwide insurance coverage, and to facilitate administration of the regulation. Comments were received from Zantop Air Transport, Inc., a supplemental air carrier; Associated Aviation Underwriters, the aviation department of member insurance companies; and the British Aviation Insurance Co. Ltd., a corporation of the United Kingdom not licensed to do business in any State of the United States.

In response to comments, the proposed amendments and insurance forms have been further modified and clarified. For example, it was intended that coverage for aircraft passengers be based on passenger seats actually installed in the aircraft, not the certificated seating capacity in a passenger configuration. Zantop states that it operates convertible aircraft in the cargo configuration with only four seats for couriers and Zantop understands that such aircraft are "four passenger" aircraft for insurance exposure. The regulation and the certificate will now specify "passenger seats installed" in the aircraft.

The 30-day advance filing of endorsements adding aircraft to or removing aircraft from coverage has also been eliminated. Emergencies may require the lease or purchase of aircraft for immediate use, and many of the insurance

policies provide for automatic coverage of such replacement or additional aircraft when of the same type or power of the other aircraft operated. The Board will permit newly acquired aircraft to be operated immediately provided that such aircraft is covered by insurance before it is listed in the carrier's operations specifications, and provided the carrier files the endorsement extending coverage within 5 days after the effective date of the endorsement. Aircraft may also be deleted from coverage simultaneously with removal from the operations specifications and without advance notice to the Board. Removal of these restrictions should result in considerable savings and flexibility for the supplemental carriers without affecting the protection afforded the public.

The 30-day notice for cancellation of a policy, formerly required of both parties to the contract, will be applicable only to the insurer. However, as the supplemental carriers realize, Board-approved insurance must be in effect at all times, and sufficient time should be allowed before cancellation of an approved policy for the Board to review the replacement certificate of insurance.

Associated Aviation Underwriters (Associated) emphasized that many different insurers may provide only limited types and amounts of coverage to make up the total minimum coverage for a carrier and, hence, no one insurer could certify that the insurance afforded meets minimum requirements for a carrier. The proposed certificate was designed to permit a broker representing several insurers to issue the certificate, certifying both as to minimum coverage and the types and amounts of liability assumed by each insurer. Associated states, however, that not all insurers authorize brokers to issue certificates binding the insurer. The certificate has now been modified to require only the certification of actual coverage afforded by each insurer. The Board will assume the task of determining whether minimum requirements have been met. When the certificate is signed by a broker on behalf of an insurer, the Board may request at any time a statement of authorization from the insurer.

Associated also suggested that the endorsement provide for insertion of specific types of coverage assumed by an insurer, rather than require a general assumption of liability "within the limits of liability specified in the policy." If the policy itself does not provide limits for a particular type of coverage, the endorsement is not to be construed as adding a type of coverage not afforded by the policy. To make this clear, however, the phrase will read "within the limits of liability for coverages specified in the policy."

The Board has also decided to permit the exclusion of cargo, in addition to passengers' baggage and personal effects, from mandatory insurance coverage. The limitations on liability for cargo in tariffs filed with the Board greatly decrease the exposure to risk of losses which a carrier would be unable to meet from its own resources. A shipper may purchase a higher limit of liability by payment of extra charges, or may insure the goods in transit on his account. In any event, the considerations which dictate liability insurance as security for compensation to passengers and the general public, where damages could be far beyond the carrier's ability to pay, are not so compelling with respect to cargo. Furthermore, the exposure to liability on cargo operations varies widely, and those carriers which operate cargo civil charters can be expected to tailor their cargo liability insurance to cover risks peculiar to their own individual operations.

The British Aviation Insurance Co., Ltd., a United Kingdom corporation not licensed to do business in any State of the United States, requests that the regulation provide that policies issued by such alien insurer be accepted if the insurer has a trust fund of at least $500,000 in the United States for the protection of its American policyholders. British Aviation maintains such a trust fund. Although the requirement that insurers be licensed in a State or the District of Columbia no doubt does exclude reputable alien insurers, the Board believes that the screening by a State regulatory agency is desirable for an insurer of a U.S. air carrier. The Board cannot assume the burden of analyzing financial statements or inquiring into the insurance laws of domiciliary nations to determine the financial soundness of alien insurers. Many alien insurers have qualified to do business in a State of the United States; for example, the underwriters at Lloyd's, London, have qualified in three States. The requirement is not impossible to satisfy, and will be retained.

Since strict compliance with this regulation may occasion some adjustment in a supplemental carrier's insurance program, the regulation will become effective not less than 90 days after adoption to allow for these arrangements and Board action on requests for waivers or exceptions permitted by the regulation.

Accordingly, the Board hereby amends the liability insurance requirements of Part 208 of the Economic Regulations (14 CFR 208.10–208.15), and prescribes CAB Forms 606, 607, 608, and 609 attached hereto as Appendices A through D,[1] effective November 1, 1965, to read as follows:

§ 208.10 Applicability of liability insurance requirements.

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate", as used herein, means one or more than one certificate, evidencing one or more than one policy of aircraft liability insurance properly endorsed, issued by one or more than one insurer, which alone or in combination provides the minimum coverage prescribed in § 208.11. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

(b) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially responsible insurance company or association which is legally authorized to issue aircraft liability policies in one or more States of the United States or in the District of Columbia.

§ 208.11 Minimum limits of liability.

The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(a) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least fifty thousand dollars ($50,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying fifty thousand dollars ($50,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(b) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least fifty thousand dollars ($50,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars ($500,000) for each occurrence.

(c) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each occurrence.

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this part:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or Public Law 87–528; or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Agency or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability

[1] Filed as part of the original document.

of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Cancellation of an approved policy shall be effected only upon written notice to the Board, in accordance with § 208.14(d).

(e) Except for the geographical exclusions authorized in § 208.13(g) and (h), the coverage shall be worldwide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any endorsement containing a general restriction.

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Named Insured or any company as his Insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody or control of the Named Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided*, That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The "Sino-Soviet bloc" is defined to include Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Viet-Nam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(h) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW-line) or the Ballistic Missile Early Warning System (BMEWS).

§ 208.14 Filing of certificates, endorsements and notices.

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and furnished by the Board. All documents shall be signed in ink by an authorized officer or agent of the insurer; no facsimile signatures will be accepted.

NOTE: CAB Forms 606, 607, 608, and 609 are available, upon request, from the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

(b) Endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft from coverage shall be filed with the Board not more than five (5) days after the effective date of such endorsement: *Provided, however*, That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Agency and shall not be operated unless liability insurance coverage has attached.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEWline or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date, unless the Board finds that waiver of this requirement is in the public interest.

(d) Certificates of insurance approved by the Board shall not be canceled by the insurer upon less than thirty (30) days' notice to the Board and the insured carrier by registered mail. An insured carrier shall not cancel an approved certificate during the effectiveness of any operating authorization from the Board unless the notice of cancellation is accompanied by a replacement certificate of insurance, complying in all respects with this part and effective upon the date of cancellation of the approved certificate and policy, or by a notice that the carrier has ceased operations.

(e) If any certificate of insurance, endorsement, notice of cancellation or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered mail, or by telegram, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part, but such approval may be rescinded by the Board upon reasonable notice.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Civil Aeronautics Board, Attention of Bureau of Accounts and Statistics, B-42b, Washington, D.C., 20428.

§ 208.15 Compliance.

In addition to all other applicable sanctions provided by law or the regulations of the Board, operation in air transportation of any aircraft, or performance of services within any geographical area, to which Board-approved liability insurance does not apply shall be cause for immediate suspension of all operating authority, pursuant to section 401(n)(5) of the Act and Subpart J of Part 302 of this chapter.

(Secs. 204(a), 401 and 417 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 76 Stat. 144, 145; 49 U.S.C. 1324, 1371, 1387; and secs. 7 and 9 of Pub. Law 87-528, 76 Stat. 146, 148)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 65-8238; Filed, Aug. 4, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

HENNA; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR COSMETIC USE EXEMPT FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of June 15, 1965 (30 F.R. 7705), that listed the color additive henna for cosmetic use as a color for the hair and exempted it from certification requirements. Accordingly, the regulation promulgated by that order will become effective August 14, 1965.

(Secs. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d))

Dated: July 28, 1965.

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

[F.R. Doc. 65-8240; Filed, Aug. 4, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148i—NEOMYCIN SULFATE

Neomycin Sulfate-Amphotericin B Tablets

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90), Part 148i is amended by adding thereto the following new section to provide for tests and methods of assay and certification of the subject antibiotic drug:

§ 148i.45 Neomycin sulfate-amphotericin B tablets.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Neomycin sulfate-amphotericin B tablets are tablets composed of neomycin sulfate and amphotericin B, with one or more suitable binders, fillers, buffers, lubricants, and dispersants. Each tablet contains 350 milligrams of neomycin and 25 milligrams of amphotericin B. Its moisture content is not more than 10 percent. Tablets shall disintegrate within 1 hour. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1) (i), (iv), (v), (vi), and (vii). The amphotericin B used conforms to the standards prescribed by § 148b.1(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

(3) *Request for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain.

(i) Results of tests and assays on:

(a) The neomycin sulfate used in making the batch for potency, toxicity, moisture, pH, and identity.

(b) The amphotericin B used in making the batch for potency, amphotericin A content, toxicity, moisture, pH, residue on ignition, and identity.

(c) The batch for neomycin content, amphotericin B content, moisture, and disintegration time.

(ii) Samples required:

(a) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) The amphotericin B used in making the batch: 10 packages, each containing approximately 500 milligrams.

(c) The batch:

(1) For all tests except disintegration time: A minimum of 30 tablets.

(2) For disintegration time: Six tablets.

(d) In case of an initial request for certification, each other ingredient used in making the batch: One package of each containing approximately 5 grams.

(4) *Fees.* $1.00 for each tablet submitted in accordance with subparagraph (3)(ii)(c)(*1*) of this paragraph; $3.00 for all tablets in the sample submitted in accordance with subparagraph (3)(ii)(*c*)(2) of this paragraph; $4.00 for each package in the samples submitted in accordance with subparagraph (3)(ii)(*a*), (*b*), and (*d*) of this paragraph.

(b) *Tests and methods of assay—(1) Potency—(a) Neomycin content.* Proceed as directed in § 148i.5(b)(1). Its content of neomycin is satisfactory if it is not less than 90 percent nor more than 125 percent of the number of milligrams of neomycin that it is represented to contain.

(*b*) *Amphotericin B content.* Place a representative number of tablets in a high-speed glass blender with sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Blend for 3 to 5 minutes and dilute with sufficient dimethylsulfoxide to give a concentration of 20 micrograms of amphotericin B per milliliter. Remove an aliquot and dilute to a concentration of 1.0 microgram of amphotericin B per milliliter, using 0.2*M* potassium phosphate buffer pH 10.5. Proceed as directed in § 148b.1(b)(1) of this chapter. Its content of amphotericin B is satisfactory if it is not less than 90 percent nor more than 125 percent of the number of milligrams of amphotericin B that it is represented to contain.

(2) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141a.9(c) of this chapter.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

This order provides for the certification of a new antibiotic drug product, neomycin sulfate-amphotericin B tablets, which has been found to be safe and efficacious for use, conditions pertinent to its certification. Since the basic requirements of section 507 of the Federal Food, Drug, and Cosmetic Act have been complied with and since the interest of the public health will be served by making this antibiotic preparation available for use, the requirements for notice and public procedure are not deemed necessary in this instance.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: July 28, 1965.

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

[F.R. Doc. 65-8241; Filed, Aug. 4, 1965; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 564—NATIONAL GUARD REGULATIONS

Miscellaneous Amendments

Paragraph (a) in § 564.2 and paragraph (b)(2) in § 564.4 are revised to read as follows:

§ 564.2 Appointment.

(a) *Policy.* (1) The appointment, assignment, or transfer of officers in the Army National Guard will be made without regard to race, color, religion, or national origin.

(2) The appointment of officers in the Army National Guard is a function of the State concerned, as distinguished from the Federal recognition of such appointment. Upon appointment in the Army National Guard of a State and subscribing to an oath of office, an individual has a State status under which he can function. Such individual acquires a Federal status when he is federally recognized and appointed as a Reserve of the Army.

(3) When required by State law, an appointment is not complete until the appointee has executed the oath of office (§ 564.3).

(4) The assignment of individuals to units of the Army National Guard, including authority to detail qualified officers to duty as inspectors general and as general staff officers in the category "General Staff with troops," is a function of the State concerned.

* * * * *

§ 564.4 Promotion.

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(b) *Policy.* * * *

(2) Promotion will be based upon efficiency, length of service in grade, demonstrated command and staff ability at the appropriate level and, except as provided in paragraph (h)(3) of this section, will be accomplished only when an appropriate TO, TOE, or TD vacancy in the higher grade exists in the unit. Promotions will be made without regard to race, color, religion, or national origin.

* * * * *

[C2, NGR 20-1, 10 May 1965, and C3, NGR 20-3, 10 May 1965.] (Sec. 110, 70A Stat. 600; 32 U.S.C. 110)

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

[F.R. Doc. 65-8218; Filed, Aug. 4, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Delaware and Schuylkill Rivers, N.J. and Pa.; Chesapeake and Delaware Canal, Del. and Md.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) and section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 203.227 governing the operation of bridges across the Delaware and Schuylkill Rivers is hereby amended, revising paragraph (a) to provide for changes in