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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3574

NATIONAL SAFE BOATING WEEK, 1964

By the President of the United States of America

A Proclamation

WHEREAS recreational boating has become a leading outdoor activity for millions of Americans who enjoy this healthful and relaxing use of leisure time; and

WHEREAS education of the boating public in safe practices contributes to the enjoyment of the sport and reduces the likelihood of accidents; and

WHEREAS continuing cooperation between organizations and individuals interested in boating is necessary to insure safe boating throughout the year; and

WHEREAS the Congress of the United States, in recognizing the need for emphasis on boating safety, by a joint resolution, approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA, do hereby designate the week beginning June 28, 1964, as National Safe Boating Week.

In furtherance of the objectives of this proclamation, I strongly urge that all individuals, boating organizations, the boating industry, and Government agencies, both State and Federal, dedicated to safer recreational boating, publicize and observe National Safe Boating Week, and extend their effort throughout the year.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to join in the observance of this Week in order to draw nationwide attention to the importance of safety in recreational boating.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of February in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-1617; Filed, Feb. 14, 1964; 10:35 a.m.]

Executive Order 11141

DECLARING A PUBLIC POLICY AGAINST DISCRIMINATION ON THE BASIS OF AGE

WHEREAS the principle of equal employment opportunity is now an established policy of our Government and applies equally to all who wish to work and are capable of doing so; and

WHEREAS discrimination in employment because of age, except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, is inconsistent with that principle and with the social and economic objectives of our society; and

WHEREAS older workers are an indispensable source of productivity and experience which our Nation can ill afford to lose; and

WHEREAS President Kennedy, mindful that maximum national growth depends on the utilization of all manpower resources, issued a memorandum on March 14, 1963, reaffirming the policy of the Executive Branch of the Government of hiring and promoting employees on the basis of merit alone and emphasizing the need to assure that older people are not discriminated against because of their age and receive fair and full consideration for employment and advancement in Federal employment; and

WHEREAS, to encourage and hasten the acceptance of the principle of equal employment opportunity for older persons by all sectors of the economy, private and public, the Federal Government can and should provide maximum leadership in this regard by adopting that principle as an express policy of the Federal Government not only with respect to Federal employees but also with respect to persons employed by contractors and subcontractors engaged in the performance of Federal contracts:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States and as President of the United States, I hereby declare that it is the policy of the Executive Branch of the Government that (1) contractors and subcontractors engaged in the performance of Federal contracts shall not, in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age except upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement, and (2) that contractors and subcontractors, or persons acting on their behalf, shall not specify, in solicitations or advertisements for employees to work on Government contracts, a maximum age limit for such employment unless the specified maximum age limit is based upon a *bona fide* occupational qualification, retirement plan, or statutory requirement. The head of each department and agency shall take appropriate action to enunciate this policy, and to this end the Federal Procurement Regulations and the Armed Services Procurement Regulation shall be amended by the insertion therein of a statement giving continuous notice of the existence of the policy declared by this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 12, 1964.

[F.R. Doc. 64-1599; Filed, Feb. 13, 1964; 3:05 p.m.]

Executive Order 11142

PRESCRIBING REGULATIONS GOVERNING THE ALLOWANCE OF TRAVEL EXPENSES OF CLAIMANTS AND BENEFICIARIES OF THE VETERANS' ADMINISTRATION AND THEIR ATTENDANTS

By virtue of the authority vested in me by Section 111 of Title 38 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Administrator of Veterans' Affairs may authorize or approve the payment of the actual necessary expenses of travel, including lodging and subsistence, of any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. The Administrator may authorize or approve such payment to the claimant or beneficiary, or, in his discretion, to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence.

SEC. 2. The Administrator of Veterans' Affairs may authorize or approve in lieu of actual necessary expenses of travel, including lodging and subsistence, payment of an allowance of not more than five cents a mile to any claimant or beneficiary of the Veterans' Administration traveling to or from a Veterans' Administration facility, or other place, in connection with vocational rehabilitation or counseling, or for the purpose of examination, treatment, or care. In addition to such mileage allowance, the Administrator may allow reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls. In his discretion, the Administrator may authorize or approve such payment and such reimbursement to the person who or the organization which has actually paid the expenses of such travel, including lodging and subsistence. The payment of mileage allowances and reimbursement for ferry fares, and bridge, road, and tunnel tolls in connection with vocational rehabilitation or counseling, or upon termination of examination, treatment, or care may be made prior to completion of such travel.

SEC. 3. Whenever a claimant or beneficiary requires an attendant other than an employee of the Veterans' Administration for the performance of travel specified in Sections 1 and 2 hereof, the travel expenses of such attendant may be allowed in the same manner and to the same extent that travel expenses are allowed to such claimant or beneficiary.

SEC. 4. The Administrator of Veterans' Affairs may prescribe such rules and regulations not inconsistent herewith as may be necessary to effectuate the provisions of this order.

SEC. 5. Executive Order No. 10810 of April 22, 1959, and Executive Order No. 10881 of July 6, 1960, are hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 12, 1964.

[F.R. Doc. 64-1600; Filed, Feb. 13, 1964; 3:06 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Red Tart Pitted Cherries [1]

A proposal to revise the United States Standards for Grades of Canned Red Tart Pitted Cherries was published in the FEDERAL REGISTER of May 10, 1963 (28 F.R. 4718). In consideration of comments and suggestions received indicating a need of further study by the producing industry, a notice providing an extension of time, until December 15, 1963, for the consideration of written data, views or arguments concerning the proposal of May 10, 1963, was published in the FEDERAL REGISTER of July 3, 1963 (28 F.R. 6835).

Further study concerning the proposal was made by the Department and the producing industry during the 1963 packing season. Additional data concerning the pitting of cherries tended to substantiate the conclusions made by the Department prior to the proposal of May 10, 1963.

Statement of consideration leading to the revised standards. As a result of further study and in consideration of industry comments the number of score points assigned to the factor of "character" has been decreased from 40 points to 30 points. The points allocated to the factor "freedom from defects" has been increased from 20 points to 30 points. The definition of a "pit" is retained as in the current standards. There are no other substantive changes in these revised standards from those proposed on May 10, 1963. Some slight modification of wording is included for purposes of clarification.

The specific changes in the revised standards from those currently in effect are:

(1) Reduced tolerance for pits in Grade A from one pit for each 20 ounces of net contents to an average of one pit for each 40 ounces of drained cherries, with a limitation as to the number of pits permitted in any one sample unit;

(2) Realigned score points to allow 10 points for each grade to conform to current practice in most other U.S. grade standards for processed fruits and vegetables; and

(3) Scoring freedom from pits separately from other defects.

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Red Tart Cherries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

IDENTITY AND GRADES

Sec.
52.771 Identity.
52.772 Grades of canned red tart pitted cherries.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.773 Designations of liquid media and Brix measurements.
52.774 Recommended fill of container.
52.775 Recommended drained weight.

FACTORS OF QUALITY

52.776 Ascertaining the grade of a sample unit.
52.777 Ascertaining the rating for each factor which is scored.
52.778 Color.
52.779 Freedom from pits.
52.780 Freedom from defects.
52.781 Character.

LOT COMPLIANCE

52.782 Ascertaining the grade of a lot.

SCORE SHEET

52.783 Score sheet for canned red tart pitted cherries.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

IDENTITY AND GRADES

§ 52.771 Identity.

"Canned red tart pitted cherries" means the canned product prepared from mature pitted cherries of the red sour varietal group (Prunus cerasus), as such product is defined in the standard of identity for canned cherries (21 CFR 27.30), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.772 Grades of canned red tart pitted cherries.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of canned red tart pitted cherries that (1) possess a good color; (2) are practically free from pits; (3) are practically free from defects; (4) have a good character; (5) possess a normal flavor; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Canned cherries of this grade may contain not more than 5 percent, by count, of cherries that are less than $\frac{9}{16}$ inch in diameter.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of canned red tart pitted cherries that (1) possess a fairly good color; (2) are fairly free from pits; (3) are fairly free from defects; (4) have a fairly good character; (5) possess a normal flavor; and (6) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart. There is no size requirement for canned red tart pitted cherries of this grade.

(c) "Substandard" is the quality of canned red tart pitted cherries that fail to meet any requirement of "U.S. Grade C."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.773 Designations of liquid media and Brix measurements.

"Cut-out" requirements for packing media are not incorporated in the grades of the finished product since sirup or any other packing medium, as such, is not a factor of quality for the purpose of these grades. Canned red tart pitted cherries are packed in the optional packing media referred to in the aforesaid standard of identity for canned cherries and such packing media include, but are not limited to, the following, which have the indicated "cut-out" Brix measurement:

Designation of liquid media	*Brix measurement*
"Extra heavy sirup"	28° or more but less than 45°.
"Heavy sirup"	22° or more but less than 28°.
"Light sirup"	18° or more but less than 22°.
"Slightly sweetened water"	Less than 18°.
"Water" (water or any mixture of water and cherry juice).	

§ 52.774 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned red tart pitted cherries be filled as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.775 Recommended drained weight.

The drained weight recommendations in Table No. I of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned red tart pitted cherries is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

for containers larger than the No. 3 size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS

Container size or designation	Overall dimensions		Packed in water	Packed in any sirup or "slightly sweetened water"
	Width	Height		
Number	*Inches*	*Inches*	*Ounces*	*Ounces*
303	3 3/16	4 1/16	11.0	10.2
303 cylinder	3 3/16	5 1/16	14.4	13.1
2	3 7/16	4 1/16	13.5	12.7
10	6 3/16	7	74.0	70.2

FACTORS OF QUALITY

§ 52.776 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of canned red tart pitted cherries is ascertained by considering the flavor of the product and the requirement for size (in U.S. Grade A) which is not scored; the ratings for the factors of color, freedom from pits, freedom from defects, and character which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	*Points*
Color	20
Freedom from pits	20
Freedom from defects	30
Character	30
Total score	100

(c) *Definition of normal flavor.* "Normal flavor" means that the flavor is characteristic of canned red tart pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.777 Ascertaining the rating for each factor which is scored.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.778 Color.

(a) *(A) classification.* Canned red tart pitted cherries that possess a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform color that is bright and typical of canned red tart pitted cherries which have been properly prepared and properly processed from properly ripened cherries.

(b) *(C) classification.* If the canned red tart pitted cherries possess a fairly good color a score of 16 or 17 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a fairly uniform color, typical of canned red tart pitted cherries which have been properly prepared and properly processed and which color may range from a brownish cast to mottled shades of brown.

(c) *(SStd.) classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.779 Freedom from pits.

(a) *General.* The factor of freedom from pits concerns the degree of freedom from pits and pit fragments.

(b) *Definitions.* (1) A "pit," for the purposes of the allowances in this section, is a whole cherry pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that have been drained of packing medium by the method prescribed in this subpart.

(c) *(A) classification.* Canned red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table No. II of this subpart.

(d) *(C) classification.* If the canned red tart pitted cherries are fairly free from pits a score of 16 or 17 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). Canned red tart pitted cherries are "fairly free from pits" if the number of pits (as defined) does not exceed the allowances for this classification as set forth in Table II of this subpart.

(e) *(SStd.) classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. II—MAXIMUM PITS PERMITTED

Grade	In any 20 ounces of drained cherries used for this determination	In total sample used for this determination (accumulated sample units)
A	2 pits (as defined). This same allowance applies to any market container of less than 20 ounces of drained cherries.	1 pit (as defined) for each 40 ounces of drained cherries.
C	3 pits or more [1]	1 pit (as defined) for each 20 ounces of drained cherries.

[1] Sample units falling into this classification for this reason may be considered as "deviants" with respect to Grade A and allowed in accordance with section 52.782, ascertaining the grade of a lot.

§ 52.780 Freedom from defects.

(a) *General.* The factor of freedom of defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate blemished area materially affects the appearance of the cherry. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(5) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Canned red tart pitted cherries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (2) not more than a total of 10 percent, by count, of the cherries are mutilated cherries, blemished cherries, and seriously blemished cherries; and (3) not more than 4 percent, by count, of all the cherries are seriously blemished.

(c) *(C) classification.* If the canned red tart pitted cherries are fairly free from defects, a score of 24 to 26 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 20 ounces of net contents; and (2) not more than a total of 20 percent, by count, of cherries that are mutilated, blemished, and seriously blemished cherries of which not more than 15 percent, by count, of all cherries are blemished and/or seriously blemished.

(d) *(SStd.) classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.781 Character.

(a) *General.* The factor of character refers to the degree of ripeness and the physical characteristics of the flesh of the cherries.

(b) *(A) classification.* Canned red tart pitted cherries that have a good character may be given a score of 27 to

30 points. "Good character" means a firm, fleshy texture, typical of canned red tart pitted cherries which have been properly prepared and properly processed from properly ripened cherries.

(c) *(C) classification.* If the canned red tart pitted cherries have a fairly good character, a score of 24 to 26 points may be given. Canned red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means a fairly firm or fairly fleshy texture but not soft, tough, very thin-fleshed, or leathery.

(d) *(SStd.) classification.* Canned red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.782 Ascertaining the grade of a lot.

The grade of a lot of canned red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.783 Score sheet for canned red tart pitted cherries.

Size and kind of container
Container mark or identification
Label
Net weight (ounces)
Vacuum (inches)
Drained weight (ounces)
Sirup designation (extra heavy, heavy, etc.)
Brix measurement
Size [2]

Factors		Score points
Color	20	(A) 18–20 (C) [1] 16–17 (SStd.) [1] 0–15
Freedom from pits	20	(A) 18–20 (C) [1] 16–17 (SStd.) [1] 0–15
Freedom from defects	30	(A) 27–30 (C) [1] 24–26 (SStd.) [1] 0–23
Character	30	(A) 27–30 (C) [1] 24–26 (SStd.) [1] 0–23
Total score	100	

Normal flavor
Grade

[1] Indicates limiting rule.
[2] See size limitation for U.S. Grade A or U.S. Fancy only.

The United States Standards for Grades of Canned Red Tart Pitted Cherries (which is the sixth issue) contained in the subpart shall become effective on June 15, 1964, and thereupon will supersede the United States Standards for Grades of Canned Red Tart Pitted Cherries which have been in effect since June 23, 1949.

Dated: February 11, 1964.

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

[F.R. Doc. 64-1534; Filed, Feb. 14, 1964; 8:48 a.m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Red Tart Pitted Cherries [1]

A proposal to revise the United States Standards for Grades of Frozen Red Tart Pitted Cherries was published in the FEDERAL REGISTER of May 10, 1963 (28 F.R. 4720). In consideration of comments and suggestions received indicating a need of further study by the producing industry, a notice providing an extension of time, until December 15, 1963, for the consideration of written data, views or arguments concerning the proposal of May 10, 1963, was published in the FEDERAL REGISTER of July 3, 1963 (28 F.R. 6835).

Further study concerning the proposal was made by the Department and the producing industry during the 1963 packing season. Additional data concerning the pitting of cherries tended to substantiate the conclusions made by the Department prior to the proposal of May 10, 1963.

Statement of consideration leading to the revised standards. There are no substantive changes in these revised standards from those proposed on May 10, 1963. Some slight modification of wording is included for purposes of clarification and the definition of a "pit" remains the same as in the current standards.

The specific changes in the revised standards from those currently in effect are:

(1) Reduced tolerance for pits in Grade A from one pit for each 20 ounces to an average of one pit for each 40 ounces with a limitation as to the number of pits permitted in any one sample unit;

(2) Realigned score points to allow 10 points for each grade to conform to current practice in most other U.S. grade standards for processed fruits and vegetables; and

(3) Scoring freedom from pits separately from other defects.

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Red Tart Cherries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

PRODUCT DESCRIPTION AND GRADES

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION AND GRADES

§ 52.801 Product description.

Frozen red tart pitted cherries are prepared from properly ripened fruit of the cherry tree of the red sour varietal group (Prunus cerasus); are washed, pitted, and sorted; are properly drained before filling; may be packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.802 Grades of frozen red tart pitted cherries.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of frozen red tart pitted cherries that (1) possess a good red color; (2) are practically free from pits; (3) are practically free from defects; (4) have a good character; (5) possess a normal flavor; and (6) score not less than 90 points when scored in accordance with the scoring system outlined in this subpart. Pitted cherries of this grade may contain not more than 5 percent, by count, of cherries that are less than 9/16 inch in diameter.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of frozen red tart pitted cherries that (1) possess a reasonably good red color; (2) are fairly free from pits; (3) are fairly free from defects; (4) have a fairly good character; (5) possess a normal flavor; and (6) score not less than 80 points when scored in accordance with the scoring system outlined in this subpart. There is no size requirement for cherries of this grade.

(c) "Substandard" is the quality of frozen red tart pitted cherries that fail to meet the requirements of U.S. Grade C.

FACTORS OF QUALITY

§ 52.803 Ascertaining the grade of a sample unit.

(a) The grade of frozen red tart pitted cherries is determined immediately

after thawing to the extent that the cherries may be separated easily and the cherries are free from ice and solidified packing media. The grade is determined by considering in addition to the requirements of the respective grade (including the requirement for size in U.S. Grade A) the respective ratings of the factors of color, pits, absence of defects, the total score, and the limiting rules which may be applicable.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	30
Freedom from pits	20
Freedom from defects	20
Character	30
Total score	100

(c) "Normal flavor" means that the flavor is characteristic of frozen red tart pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.804 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.805 Color.

(a) (*A*) *classification.* Frozen red tart pitted cherries that possess a good red color may be given a score of 27 to 30 points. "Good red color" means that the frozen cherries possess a color that is bright and typical of properly ripened cherries and that is reasonably uniform in that not more than 15 percent, by count, of cherries vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of undercolored cherries.

(b) (*C*) *classification.* If the frozen red tart pitted cherries possess a reasonably good red color, a score of 24 to 26 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Reasonably good red color" means that the frozen cherries possess a color that is reasonably bright and typical of properly ripened cherries and that is fairly uniform in that not more than 25 percent, by count, of cherries vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of undercolored cherries.

(c) (*SStd.*) *classification.* Frozen red tart pitted cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.806 Freedom from pits.

(a) *General.* The factor of freedom from pits concerns the degree of freedom from pits and pit fragments.

(b) *Definitions.* (1) A "pit" for the purpose of the allowances in this subpart is a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(2) "Drained cherries" means pitted cherries that are substantially free from any adhering sirup, sugar or other packing medium.

(c) (*A*) *classification.* Frozen red tart pitted cherries that are practically free from pits may be given a score of 18 to 20 points. "Practically free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in Table I of this section.

(d) (*C*) *classification.* If the frozen red tart pitted cherries are fairly free from pits a score of 16 or 17 may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from pits" means that the number of pits that may be present in the drained cherries does not exceed the allowances for this classification as set forth in table I of this section.

(e) (*SStd.*) *classification.* Frozen red tart pitted cherries that fail to meet the requirement of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score of the product (this is a limiting rule).

TABLE NO. I—MAXIMUM PITS PERMITTED

Grade	In any 20 ounces of drained cherries used for this determination	In total sample used for this determination (accumulated sample units)
A	2 pits (as defined). This same allowance applies to any market container of less than 20 ounces of drained cherries.	1 pit (as defined) for each 40 ounces of drained cherries.
C	3 pits or more [1]	1 pit (as defined) for each 20 ounces of drained cherries.

[1] A sample unit falling into this classification for this reason may be considered as a "deviant" with respect to grade A and allowed in accordance with § 52.809, ascertaining the grade of a lot.

§ 52.807 Freedom from defects.

(a) *General.* The factor of freedom from defects refers to the degree of freedom from harmless extraneous material, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(4) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate area covered by the blemishes exceeds the area of a circle $\frac{9}{32}$ inch in diameter and the appearance of the cherry is materially affected by such blemishes. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(5) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Frozen red tart pitted cherries that are practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (2) not more than a total of 10 percent, by count, of the cherries are mutilated cherries, blemished cherries, and seriously blemished cherries; and (3) not more than 4 percent, by count, of all the cherries are seriously blemished.

(c) (*C*) *classification.* If the frozen red tart pitted cherries are fairly free from defects, a score of 16 or 17 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 20-ounces of net contents; and (2) not more than a total of 20 percent, by count, of cherries that are mutilated, blemished, and seriously blemished cherries of which not more than 15 percent, by count, of all cherries are blemished and or seriously blemished.

(d) (*SStd.*) *classification.* Frozen red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.808 Character.

(a) *General.* The factor of character refers to the degree of ripeness of the cherries and the physical characteristics of the flesh of the cherries.

(b) (*A*) *classification.* Frozen red tart pitted cherries that have a good character may be given a score of 27 to 30

points. "Good character" means a firm, fleshy texture, typical of frozen red tart pitted cherries which have been properly prepared and properly processed from properly ripened cherries.

(c) *(C) classification.* If the frozen red tart pitted cherries have a fairly good character, a score of 24 to 26 points may be given. Frozen red tart pitted cherries that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries are fairly firm, fairly fleshy texture but are not soft, tough, very thin-fleshed, or leathery in character.

(d) *(SStd.) classification.* Frozen red tart pitted cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT COMPLIANCE

§ 52.809 Ascertaining the grade of a lot.

The grade of a lot of frozen red tart pitted cherries covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.810 Score sheet for frozen red tart pitted cherries.

Size and kind of container
Container mark or identification
Label (style of pack, ratio of fruit to sugar, etc., if shown)
Net weight (ounces)
Size [1]

Factors		Score points
Color	30	(A) 27–30 (C) [2] 24–26 (SStd.) [2] 0–23
Freedom from pits	20	(A) 18–20 (C) [2] 16–17 (SStd.) [2] 0–15
Freedom from defects	20	(A) 18–20 (C) [2] 16–17 (SStd.) [2] 0–15
Character	30	(A) 27–30 (C) [2] 24–26 (SStd.) [2] 0–23
Total score	100	

Normal flavor
Grade

[1] See size limitation for U.S. Grade A, only.
[2] Indicates limiting rule.

The United States Standards for Grades of Frozen Red Tart Pitted Cherries (which is the third issue) contained in the subpart shall become effective on June 15, 1964, and thereupon will supersede the United States Standards for Grades of Frozen Red Tart Pitted Cherries which have been in effect since June 18, 1949.

Dated: February 11, 1964.

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

[F.R. Doc. 64–1535; Filed, Feb. 14, 1964; 8:48 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1964 and 1965 Feed Grain Programs, 29 F.R. 590, are amended as follows:

1. Section 775.302(q)(2) is amended by changing the corn and grain sorghum disposal dates as follows:

MINNESOTA

August 1: All counties.

NORTH CAROLINA

July 15: All counties.

TENNESSEE

August 15: All counties.

2. Section 775.310 is amended by changing the last sentence thereof to read as follows: "The number of acres of wheat produced in the current year in excess of the wheat allotment for the farm (but not to exceed the acres of feed wheat included in the total feed grain base) shall be considered an acreage of feed grains."

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 11, 1964.

H. D. GODFREY,
Administrator, ASCS.

[F.R. Doc. 64–1537; Filed, Feb. 14, 1964; 8:49 a.m.]

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

[Navel Orange Reg. 51]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.351 Navel Orange Regulation 51.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907; 27 F.R. 10087), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 13, 1964.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 16, 1964, and ending at 12:01 a.m., P.s.t., February 23, 1964, are hereby fixed as follows:

(i) District 1: 725,000 cartons;
(ii) District 2: 425,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 14, 1964.

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

[F.R. Doc. 64–1620; Filed, Feb. 14, 1964; 11:30 a.m.]

[Lemon Reg. 96, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.396 (Lemon Regulation 96, 29 F.R. 2305) are hereby amended to read as follows:

§ 910.396 Lemon Regulation 96.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 199,950 cartons.

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

Dated: February 13, 1954.

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

[F.R. Doc. 64–1585; Filed, Feb. 14, 1964; 8:52 a.m.]

[Lemon Reg. 97]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.397 Lemon Regulation 97.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 11, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 16, 1964, and ending at 12:01 a.m., P.s.t., February 23, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 162,750 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 13, 1964.

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

[F.R. Doc. 64–1586; Filed, Feb. 14, 1964; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2, Amdt. 1]

PART 120—LOAN POLICY

Disaster Loans and Guarantees

Public Law 88–264, approved February 5, 1964, broadened the scope of SBA's economic disaster programs for small business concerns by adding other major disasters to the previously authorized excessive rainfall and drought disaster programs. It also created a new disaster program to assist small business concerns suffering substantial economic injury from an inability to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes. This amendment revises the SBA Loan Policy in accord with the new law.

The Loan Policy Regulation, Revision 2 (13 CFR Part 120, 28 F.R. 6675) is hereby amended by deleting § 120.3 in its entirety and substituting the following in lieu thereof:

§ 120.3 Disaster loans and guarantees.

(a) *Scope of disaster assistance.* Financial assistance for disaster relief will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster or business displacement. Such financial assistance will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters or business displacement. Financial assistance may be extended:

(1) To rehabilitate or replace property damaged or lost as a result of disasters declared by SBA, declarations of which are published in the FEDERAL REGISTER, except that such financial assistance may not be used to rehabilitate or replace personal recreation or vacation homes, cabins or similar facilities. However, if the property is primarily rental property which is an important source of income for the owner, a rehabilitation loan will be considered (Physical-Loss Disaster Assistance);

(2) To a small-business concern located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture or his designee, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(3) To assist in reestablishing the business of a small-business concern which has been displaced by a federally aided urban renewal or highway construction program or by any other construction conducted by or with funds provided by the Federal Government, if SBA determines that the concern has suffered substantial economic injury as a result of such displacement, except that such financial assistance may not be

made for replacement or rehabilitation of homes or apartment houses (Displaced Business Disaster Assistance); and

(4) To a small-business concern to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance).

(b) (1) *Limitations on assistance.* Farmers, stockmen, and others engaged primarily in agricultural activities are not small-business concerns and, therefore, are ineligible for disaster assistance through SBA programs, except that, where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance, such parties shall be eligible for Physical-Loss Disaster Assistance.

(2) Religious, eleemosynary, and nonprofit organizations are not small-business concerns and, therefore, ineligible for assistance except for Physical-Loss Disaster Assistance.

(3) Disaster assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss; it will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible where, for example, their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster or after approval of a federally aided project, or where the property to be rehabilitated has been acquired after the disaster.

(4) If SBA determines that funds are otherwise available without undue hardship to a disaster victim, its principal owners, shareholders or stockholders, SBA may require that such funds be expended prior to the expenditure of Federal funds.

(c) (1) *Interest.* Interest on SBA's share of financial assistance, excluding loans under the Displaced Business Disaster Assistance program, shall be at the rate of 3 percent per annum. Where a disaster loan is made for the acquisition or construction (including acquisition of site therefor) of housing for the personal occupancy of the borrower, the interest rate on the entire loan shall be at the rate of 3 percent per annum. Where a participating institution's share of an immediate participation loan represents complete conversion of a predisaster loan made by such institution the interest rate on the participating institution's share may be at a rate accepted as reasonable by SBA.

(2) Interest on SBA's share of financial assistance made under the Displaced Business Disaster program shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended.

(d) *Maturities.* The maximum maturity, including renewals and extensions, for disaster loans shall not exceed 20 years.

(e) *Participation limitations.* SBA's share of immediate participation disaster loans shall not exceed 90 percent of the loan. In guaranteed disaster loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(f) *Service fees.* No service fees shall be charged on disaster loans.

EUGENE P. FOLEY,
Administrator.

FEBRUARY 7, 1964.

[F.R. Doc. 64-1544; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-PC-16]

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

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On September 13, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 9950) stating that the Federal Aviation Agency (FAA) proposed to alter the Midway Island control zone, revoke the Midway Island control area extension and designate the Midway Island transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments, but no comments were received.

Subsequent to the publication of the notice, the FAA found that during publication, the coordinates for NAS Midway were, in part, erroneously stated as longitude 177°22'00" W. instead of longitude 177°23'00" W. Accordingly, the corrected coordinate is stated herein.

The substance of the proposed amendments having been published and for the reasons stated herein and in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Midway Island control zone is amended to read:

Midway Island.

Within a 5-mile radius of NAS Midway (latitude 28°12'00" N., longitude 177°23'00" W.); within 2 miles each side of the Midway RBN 244° bearing, extending from the 5-mile radius zone to 11 miles SW of the RBN; within 2 miles each side of the Midway TACAN 232° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN, and within 2 miles each side of the Midway TACAN 168° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the following control area extension:

Midway Island.

3. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Midway Island.

That airspace extending upward from 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28°12'00" N., longitude 177°23'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 10, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1494; Filed, Feb. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63-CE-113]

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

Revocation of Federal Airway Segments

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12626) stating that the Federal Aviation Agency was considering amendments to Part 71 [New] of the Federal Aviation Regulations which would revoke VOR Federal airway No. 13 west alternate from Neosho, Mo., to Butler, Mo., VOR Federal airway No. 71 west alternate from Springfield, Mo., to Butler, Mo., VOR Federal airway No. 132 south alternate from Chanute, Kans., to Springfield and VOR Federal airway No. 205 west alternate from Springfield to Blue Springs, Mo.

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, the following actions are taken:

Section 71.123 (29 F.R. 1009) is amended as follows:

1. In V-13 "Butler, Mo., including a W alternate;" is deleted and "Butler, Mo.;" is substituted therefor.

2. In V-71 "Butler, Mo., including a W alternate via INT Springfield 301° and Butler 178° radials;" is deleted and "Butler, Mo.;" is substituted therefor.

3. In V-132 all after "Springfield, Mo., 276° radials;" is deleted and "to Springfield." is substituted therefor.

4. In V-205 "via Blue Springs, Mo., including a W alternate via INT of Springfield 316° and Blue Springs 178° radials;" is deleted and "via Blue Springs, Mo.;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1495; Filed, Feb. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WA-98]

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

Alteration of Reporting Points

The purpose of these amendments to §§ 71.209, 71.211, 71.213 and 71.215 of the Federal Aviation Regulations is to include geographical coordinates in the descriptions of certain off-shore reporting points.

It has been the practice of aeronautical chart producers to print on aeronautical charts, geographical coordinates for certain off-shore reporting points even though they were not included in the description. Since the Federal Aviation Agency has not established official coordinates for these reporting points, the possibility exists that various chart producers would print different coordinates for a reporting point. The increased use of Doppler navigation devices by aircraft operating on the routes having such reporting points, makes evident the desirability of establishing and publishing official geographical coordinates. Therefore, action is being taken herein to include geographical coordinates in the descriptions of these offshore reporting points.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit changes to be made on aeronautical charts, these amendments shall become effective more than 30 days after publication.

For the reasons stated above, the following actions are taken:

1. In § 71.209 (27 F.R. 220–172, November 10, 1962, 27 F.R. 12210, 28 F.R. 721, 28 F.R. 12612, 29 F.R. 133) the following changes are made.

a. In Albacore INT: "RBN." is deleted and "RBN, at latitude 27°22′ N., longitude 95°14′ W." is substituted therefor.

b. In Bass INT: "Area." is deleted and "Area, at latitude 34°26′ N., longitude 73°51′ W." is substituted therefor.

c. In Brim INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 91°13′ W." is substituted therefor.

d. In Catfish INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 90°58′ W." is substituted therefor.

e. In Dolphin INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 90°02′ W." is substituted therefor.

f. In Ear Shell INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 93°56′ W." is substituted therefor.

g. In Eel INT: "area." is deleted and "area, at latitude 42°02′ N., longitude 68° 00′ W." is substituted therefor.

h. In Fallfish INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 89°34′ W." is substituted therefor.

i. In Hard Head INT: "RBN." is deleted and "RBN, at latitude 28°15′ N., longitude 92°45′ W." is substituted therefor.

j. In Shad INT: "area." is deleted and "area, at latitude 37°43′ N., longitude 73°00′ W." is substituted therefor.

k. In Smelt INT: "area." is deleted and "area, at latitude 31°58′ N., longitude 77°00′ W." is substituted therefor.

l. In Trout INT: "area." is deleted and "area, at latitude 30°23′ N., longitude 77°00′ W." is substituted therefor.

m. In Tuna INT: "area." is deleted and "area, at latitude 38°55′ N., longitude 72°07′ W." is substituted therefor.

n. In Viperfish INT: "RBN." is deleted and "RBN, at latitude 28°14′ N., longitude 88°51′ N." is substituted therefor.

2. In § 71.211 (27 F.R. 220–174, November 10, 1962, 28 F.R. 11727) the following changes are made:

a. In Domestic Annette INT: "route." is deleted and "route, at Lat. 54°15′ N, Long. 133°39′ W." is substituted therefor.

b. In Domestic Gustavus INT: "route." is deleted and "route, at Lat. 56°58′ N, Long. 139°24′ W." is substituted therefor.

c. In Domestic Sitka INT: "route." is deleted and "route, at Lat. 55°43′ N, Long. 136°34′ W." is substituted therefor.

d. In Domestic Yakutat INT: "route." is deleted and "route, at Lat. 57°54′ N, Long. 141°44′ W." is substituted therefor.

e. In Granite INT: "Area." is deleted and "Area, at Lat. 58°43′ N, Long. 148°14′ W." is substituted therefor.

f. In Marble INT: "Area." is deleted and "Area, at Lat. 57°29′ N, Long. 150°30′ W." is substituted therefor.

3. In § 71.213 (27 F.R. 220–175, November 10, 1962, 28 F.R. 11727) the following changes are made:

a. In Domestic Sitka INT: "route." is deleted and "route, at Lat. 55°43′ N, Long. 136°34′ W." is substituted therefor.

b. In Domestic Yakutat INT: "route." is deleted and "route, at Lat. 57°54′ N, Long. 141°44′ W." is subsitiuted therefor.

4. In § 71.215 (27 F.R. 220–176, November 10, 1962, 28 F.R. 843, 28 F.R. 9428) the following changes are made:

a. In Dogwood INT: "W." is deleted and "W, at latitude 21°56′00″ N." is substituted therefor.

b. In Shark INT: "radials." is deleted and "radials, at latitude 22°31′ N., longitude 156°05′ W." is substituted therefor.

c. In Skipjack INT: "radials." is deleted and "radials, at latitude 20°28′ N., longitude 154° 03′ W." is substituted therefor.

d. In South Honolulu INT: "radials," is deleted and "radials, at latitude 19°43′ N., longitude 158°00′ W." is substituted therefor.

e. In South Port Allen INT: "radials." is deleted and "radials, at latitude 20°46′ N., longitude 159°29′ W." is substituted therefor.

f. In Sunrise INT: "radials." is deleted and "radials, at latitude 22°06′ N., longitude 155°46′ W." is substituted therefor.

g. In Swordfish INT: "radials." is deleted and "radials, at latitude 21°18′ N., longitude 159°32′ W." is substituted therefor.

h. In Tuna INT: "radials." is deleted and "radials, at latitude 21°47′ N., longitude 155°32′ W." is substituted therefor.

i. In Vanda INT: "W." is deleted and "W, at latitude 22°24′00″ N." is substituted therefor.

These amendments shall become effective at 0001 e.s.t., April 30, 1964.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 7, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1496; Filed, Feb. 14, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-80]

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

Alteration of Transition Area

On November 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12669) stating that the Federal Aviation Agency proposed to alter the Malad City, Idaho, transition area.

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

The substance of the proposed amendment having been published and for the reasons stated in the Notice, the following action is taken:

In § 71.181 (29 F.R. 1160), the Malad City, Idaho, transition area is amended to read:

Malad City, Idaho.

That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

This amendment shall became effective 0001 e.s.t., April 2, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1497; Filed, Feb. 14, 1964; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8473 o.]

PART 13—PROHIBITED TRADE PRACTICES

Motorola, Inc.

Subpart—Advertising falsely or misleadingly § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service;* § 13.170–12 *Auxiliary, improving, or supplementary;* § 13.170–30 *Durability or permanence;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended;

15 U.S.C. 45) [Cease and desist order, Motorola, Inc., Chicago, Ill., Docket 8473, Jan. 14, 1964]

Order requiring a Chicago distributor of radio and television sets and replacement parts therefor to cease misrepresenting the capabilities, durability and superiority to competing products, of its radio and television sets as in the order below specifically set out.

The order to cease and desist is as follows:

It is ordered, That respondent, Motorola, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of radio sets, television sets and replacement parts therefor in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That its Model 8 x 26 radio set or any substantially similar receiver has 9 times more capability than other receivers to select a desired radio station or that any of its receivers have selectivity in excess of the true facts.

(b) That its Model 8 x 26 radio set or any substantially similar receiver has the power output of a 10 tube radio or that any of its receivers has a power output in excess of the true facts.

(c) That its Models 8 x 26, L12 and L14 radio sets or any substantially similar receivers play for hundreds of hours on low priced batteries or that any of its receivers play on batteries for any number of hours in excess of the true facts.

(d) That the chassis or audio system contained in its Model L14 radio set or that any substantially similar chassis or audio system contained in any of its receivers is revolutionary or new or that any of its chassis or audio systems that are in general use in the radio industry are revolutionary or new.

(e) That its sentry system eliminates 3 out of 4 service calls or that any of its protective devices will reduce the necessity for repairs of receivers in excess of the true facts.

(f) That its sentry system triples TV life expectancy or that any of its protective devices prevent receiver failures for periods in excess of the true facts.

(g) That its picture tubes last 10 times longer than comparable picture tubes or that any of its picture tubes are constructed to last for periods in excess of the true facts.

(h) That its Custom-Matic Tuner or any substantially similar mechanism will not require fine tuning or that any of its tuners is the first tuner specifically designed for remote control.

(i) That any of its tuners is the only tuner to turn out a stronger signal than the one it picks up.

(j) That all or any of its receivers have picture power or video drive in excess of the true facts.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as modified herein.

Issued: January 14, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-1513; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket 6557 o.]

PART 13—PROHIBITED TRADE PRACTICES

Wilson Chemical Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.80 *Free test or trial.* Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Threatening suits, not in good faith: [1] § 13.2264 *Delinquent debt collection.*[2]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Wilson Chemical Company, Inc., et al., Tyrone Pa., Docket 6557, Jan. 14, 1964]

In the Matter of Wilson Chemical Company, Inc., a Corporation, and George C. Wilson, III, Charles A. Wilson, and Sarah A. Hooker, Individually and as Officers and Directors of Said Corporation, and Sally Ann Wilson and Michael B. Wilson, Individually and as Directors of Said Corporation, and All of Said Individuals as Partners Trading and Doing Business as Wilson Chemical Company, and J. McClellan Davis, an Individual

Order requiring sellers in Tyrone, Pa., of their "White Cloverine Brand Salve" to sales agents and others for resale, to cease representing falsely—in advertising in comic books of national circulation to which children were attracted and by return of replies to which they unknowingly ordered merchandise for resale—by such statements as "Genuine Nickel Silver Ring Absolutely Free", "Yours Free . . . Real Foreign Coins", that merchandise was sent free and without obligation; using threats of legal action and other intimidation to induce payment for quantities of their salve sent to those replying; and using letterheads and statements of an associated attorney which represented falsely that he was attempting to effect cash settlements of asserted delinquent accounts; and requiring said attorney to cease using aforesaid threats of legal proceedings not in good faith and aiding and abetting such use by the other respondents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

Chemical Company, Inc., a corporation, and its officers, and respondent George C. Wilson, III, individually and as an officer of said corporation, and respondents Charles A. Wilson, Sarah A. Hooker, Sally Ann Wilson and Michael B. Wilson as officers or directors of said corporation, and respondents George C. Wilson, III, Charles A. Wilson, Sarah A. Hooker, Sally Ann Wilson and Michael B. Wilson, individually and as partners trading under the name of Wilson Chemical Company, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product, "White Cloverine Brand Salve," or any other merchandise, do forthwith cease and desist from:

1. Representing as free or without cost any article of merchandise, the obtaining of which is contingent upon the purchase of other merchandise or the performance of some service, unless the terms and conditions upon which such article may be obtained are clearly and conspicuously set forth in immediate conjunction with such representation.

2. Representing, directly or indirectly, or by implication, that any merchandise offered for the purpose of obtaining sales agents is offered for any other purpose.

3. Using threats of legal action and other forms of coercion and intimidation to induce persons to accept and pay for merchandise which is sent to them as the result of advertisements in violation of paragraphs 1 and 2, above.

4. Using threats of legal proceedings in an attempt to gain payment of accounts, when in fact legal proceedings are not to be employed as a collection device.

5. Using correspondence which represents that some person or organization other than the aforementioned respondents is engaged in attempting to effect a cash settlement of an individual's asserted delinquent account.

It is further ordered, That individual respondent J. McClellan Davis, his representatives, agents, and employees, directly or indirectly, in conection with the offering for sale, sale or distribution of a preparation designated "White Cloverine Brand Salve" or any other products of the respondent Wilson Chemical Company, Inc., or the other individual respondents herein, do forthwith cease and desist from:

1. Using threats of legal action and other forms of coercion and intimidation to induce persons to accept and pay for merchandise which is sent to them as the result of advertisements which are in violation of paragraphs 1 and 2, above.

2. Using threats of legal proceedings in an attempt to gain payment of accounts, when in fact legal proceedings are not to be employed as a collection device.

3. Permitting, aiding, or abetting the other respondents herein in the violation of paragraph 5, above.

By "Final Order", etc., further order requiring report compliance is as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 14, 1964.

[1] Amended.
[2] New.

By the Commission, Commissioner Elman did not participate in the consideration or decision of this case.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1514; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket 8530 c.]

PART 13—PROHIBITED TRADE PRACTICES

Ideal Toy Corp.

Subpart—Advertising falsely or misleadingly: § 13.142 *Operation.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ideal Toy Corporation, Hollis, N.Y., Docket 8530, Jan. 20, 1964]

Order requiring a distributor of toys in Hollis, N.Y., to cease representing falsely by means of television commercials that its toy "Robot Commando" would perform acts as directed by vocal commands, including moving forward, turning, firing a "missile" and firing a "rocket".

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Ideal Toy Corporation, a corporation, and its officers, representatives, employees, successors and assigns, directly or under any name or through any corporate or other device, in connection with the offering for sale, sale and distribution of toys, in commerce, shall forthwith cease and desist from:

Stating, implying, or otherwise representing, by words, pictures, depictions, demonstrations or any combination thereof, or otherwise, that any toy performs in any manner not in accordance with fact.

Respondent shall, within sixty (60) days after service of this order upon it, file with the Commission a written report setting forth in detail the manner and form of its compliance with the terms of the order.

Issued: January 20, 1964.

By the Commission, Commissioner Anderson not participating for the reason he did not hear oral argument.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-1512; Filed, Feb. 14, 1964; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-16—PROCUREMENT FORMS

Subpart 5-16.8—Miscellaneous Forms

Subpart 5-16.8 is amended to delete § 5-16.853 *Identical bid report for procurement.*

[1] New.

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

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: February 10, 1964.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 64-1549; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4666]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guides for Preparation and Filing of Registration Statements

In accordance with its practice of publishing its views to assist issuers, their counsel, accountants and others participating in the preparation of registration statements, the Securities and Exchange Commission is publishing the following policies and practices of its Division of Corporation Finance in the administration of the Securities Act of 1933. It is expected that the publication of these policies and practices will not only be of assistance to registrants, their counsel and accountants in the preparation of registration statements, but also that it will relieve the staff of the Commission of the necessity for commenting on these matters in respect of such statements.

These policies have been generally followed by the Division with respect to the disclosures required by the Act and the rules and regulations promulgated thereunder. Some of the policies may be incorporated later in the rules or forms. Until such time, the policies are subject to change as experience or unique factual situations require. These policies do not purport to furnish a complete guide for the preparation of registration statements and additional policies may be published from time to time.

The terms in the following policies and practices have the same meaning as those prescribed in the Act and the rules and regulations promulgated thereunder, including the forms and instructions thereto, unless the context requires otherwise. References to items of Form S-1 also shall be deemed to include references to similar items of related forms where applicable.

1. Indemnification.
2. Finders.
3. Over-the-counter trading in capital stock purchase warrants.
4. Absence of established trading market.
5. Options issued to underwriters and others.
6. Original issue discount of debt securities.
7. Underwriters' compensation from conversion of funds into foreign currency.
8. Enforceability of civil liabilities under the Act against foreign persons.
9. Use of proceeds to registrant.
10. Statement of dividend policy.
11. Current financial statements and related data.
12. Names of customers and competitors.
13. Extractive reserves.
14. Liabilities of shareholders to laborers, servants, or employees under State law.
15. Annual reports to security holders.
16. Executive committee.
17. Voluminous and verbose prospectuses.
18. Introductory statements.
19. Dating of prospectuses.
20. Pictorial representations in prospectuses.
21. Promoters.
22. Identification of members of board of directors selected by underwriters.
23. Expenses of issuance and distribution.
24. Permits or licenses to issue securities required by certain States.
25. Reports or memoranda concerning the registrant.
26. Distribution of the preliminary prospectus.
27. Representations from selling stockholders.
28. Securities Act exemption for shares subject to options.
29. Registration of options and stock issued or sold to underwriters.
30. Revision of prospectuses where a company and its employee plan have different fiscal years.
31. Disclosure of confidential material to other government agencies.
32. Mailing of amended preliminary prospectuses to regional offices.

1. *Indemnification.* If the underwriting agreement contains a provision pursuant to which the registrant indemnifies the underwriter and persons in control of the underwriter with respect to certain civil liabilities, including liabilities under the Act, a brief description of such provision of the underwriting agreement may be furnished in the response to Item 2 rather than on the facing page. (This represents a change from previous practice.)

Disclosure should be made in the prospectus of insurance indemnifying against liabilities arising under the Act, including the source of premium payments.

2. *Finders.* The last sentence of Instruction 1 to Item 1 of Form S-1 requires appropriate disclosure on the cover page of the prospectus of any finder's fees or similar payments. Such disclosure should identify the finder and the nature of any relationship between him and the registrant, its officers, directors, promoters, principal stockholders and underwriters (including in each case, affiliates or associates thereof). Consideration should be given to all relevant circumstances in determining whether participation of the finder in the issuance and sale of the securities being offered is sufficient to constitute the finder an "underwriter" within the definition of that term in section 2(11) of the Act. Ordinarily a finder whose principal function is to introduce a registrant to an underwriter for a cash fee, need not be identified as an "underwriter". If a finder receives securities for his services, the securities should be registered. Whenever the finder is deemed to be an underwriter by reason of the receipt of securities for services, or otherwise, he should be identified as such in the prospectus.

3. *Over-the-counter trading in capital stock purchase warrants.* Disputes have arisen between investors and brokers in connection with trading in capital stock purchase warrants in situations where the warrants confer the right to purchase more or less than one share of stock. It is understood that under the policy of the National Association of Securities Dealers, Inc., warrants are quoted and transactions therein are effected on the basis of the right to purchase one share of stock. In order that investors may not be misled and the disputes between the investors and brokers may be avoided, the cover page of the prospectus should contain an appropriate disclosure to the effect that the warrants will be quoted and traded on the basis of the right to purchase one share of the registrant's capital stock at the price stipulated in the warrant, even though the warrant confers the right to purchase more or less than one share and only whole warrants are transferable and exercisable.

4. *Absence of established trading market.* If there is no established trading market for the securities to be offered pursuant to the registration statement, the prospectus should so state in a prominent place, unless it is evident that no such market exists.

5. *Options issued to underwriters and others.* Certain disclosures in addition to those required by Item 18 of Form S–1, Options to Purchase Securities, should be made in the prospectus if a material amount of options has been or is to be issued to promoters, underwriters, principal shareholders, officers, or directors (except "restricted stock options" as defined by section 421 of the Internal Revenue Code of 1954). These additional disclosures ordinarily include the following: That for the life of the options the option holders are given at nominal cost the opportunity to profit from a rise in the market for the capital stock of the issuer with a resulting dilution in the interest of stockholders; that the issuer presently has no need for additional working capital in excess of the amount to be realized under the present offering; that for the life of the options, the issuer might be deprived of favorable opportunities to procure additional equity capital, if it should be needed for the purpose of the business; and that the holders of such options might be expected to exercise them at a time when the issuer would, in all likelihood, be able to obtain equity capital, if it needed capital then, by sale of a new offering on terms more favorable than those provided for by the options.

Information regarding options issued to underwriters should be disclosed briefly in a note to the discount column of the underwriting table on the cover page of the prospectus together with a statement to the effect that any excess of the price received by the underwriters for the options or for the underlying stock over the price received by the issuer may be deemed additional underwriting commission. The note should also refer to a statement elsewhere in the prospectus which sets forth the information specified in the preceding paragraph and that required by Item 18 of Form S–1.

In the case of the issuance to the above described persons of debt securities with options or with conversion privileges prior to or in connection with the underwriting, the foregoing disclosures should also be made where applicable.

6. *Original issue discount of debt securities.* Where debt securities are to be offered at a price below the par or face value thereof, or where a debt security is sold in a package with another security and the allocation of the sale price between the two securities may have the effect of offering the debt security at a price below its par or face value, the "discount" should be disclosed in the prospectus. The possible effect on the investor of the "original issue discount" provision of Section 1232 of the Internal Revenue Code should also be disclosed in the prospectus. If the provisions of Section 1232 are not deemed to be applicable, the registrant should so advise the staff at the time of filing the registration statement.

7. *Underwriters' compensation from conversion of funds into foreign currency.* If the underwriting compensation may be materially increased through the conversion of United States currency into foreign currency, appropriate disclosure should be made on the facing page of the prospectus in response to Item 1 of Form S–1.

8. *Enforceability of civil liabilities under the Act against foreign persons.* In a registration statement of a foreign private registrant, the forepart of the prospectus should clearly state how the enforcement by investors of civil liabilities under the Act may be affected by the fact that the registrant is located in a foreign country, that certain of its officers and directors are residents of a foreign country, that certain underwriters or experts named in the registration statement are residents of a foreign country, and that all or a substantial portion of the assets of the registrant and of said persons are located outside the United States. Such disclosures should indicate: whether investors will be able to effect service of process within the United States upon such persons; whether investors will be able to enforce against such persons judgments obtained in United States courts predicated upon the civil liability provisions of the Act; whether the appropriate foreign courts would enforce judgments of United States courts obtained in actions against such persons predicated upon the civil liability provisions of the Act, and whether the appropriate foreign courts would enforce, in original actions, liabilities against such persons predicated solely upon the Act. If any portions of such disclosures are stated to be based upon an opinion of counsel, such counsel should be named in the prospectus and an appropriate manually-signed consent to the use of such name and opinion should be included in the registration statement.

9. *Use of proceeds to registrant.* Inclusion in a prospectus of a statement that management reserves the right to change the use of proceeds may give rise to a question as to whether the disclosures made in response to Item 3 of Form S–1 are bona fide. However, such reservation is permissible if its inclusion is due to certain contingencies which are adequately discussed in the prospectus in terms of an alternative use of proceeds to be followed in the event that the contingencies arise.

10. *Statement of dividend policy.* Generally, objection will be made to a projection of future dividends in the prospectus. Objection ordinarily will not be made to a statement in the prospectus as to the policy of the board of directors of the registrant to declare dividends on a stated periodic basis, or that it will be the policy of the board of directors to declare as dividends a specified percentage of profits, provided no projection of dollar amounts is given and a further statement is made to the effect that there is no assurance as to future dividends since they are dependent upon earnings, the financial condition of the registrant and other factors. However, there is no objection to the registrant's stating the amount of dividends to be paid for the next succeeding dividend period where the dividend has been declared.

Where a registrant has a record of paying no dividends although earnings indicate an ability to do so, the registrant should consider the question of its intention to pay cash dividends in the foreseeable future, and if no such intention exists, a statement of that fact should be set forth in the prospectus.

11. *Current financial statements and related data.* The following is furnished as a guide for determining the need for "updating" financial statements and related data in registration statements under the Act and is a reaffirmation of the policies stated in Securities Act Release No. 4475, dated April 13, 1962 (published in the FEDERAL REGISTER of April 26, 1962, 27 F.R. 3990).

(a) *Financial statements*—(1) *Form S–1.* Registrants presently subject to the reporting requirements of the Securities Exchange Act of 1934 and unlisted companies with a substantial record of earnings which publish financial information on a regular basis, should be prepared to add later information as to sales and net income in a paragraph following the summary of earnings when such later information has been published or is to be published in an interim report prior to the effective date of the filing. Whether or not such a report is published, later sales and net income information on current and comparable prior year bases should be included in paragraph form when an adverse trend is shown. Such disclosure is necessary regardless of the certified or non-certified status of the financial statements in the prospectus. It should be understood that when a fiscal year ends within 90 days prior to the date of filing and certified financial statements for the year are normally available for publication before the proposed effective date, such statements should be substituted for the interim statements in the registration statement as originally filed.

Companies registering for the first time with no previous record of publishing information, but with an estab-

lished record of earnings and in a sound financial condition, should be prepared to furnish the above data compared with a similar period of the preceding year, if the amendment when effective would otherwise include data over four months old.

New registrants with no established record of earnings and old registrants currently showing losses or a weak financial condition should not only furnish the above data but be prepared to bring the financial statements up to the latest practicable date not more than 90 days prior to filing the amendment upon which it is expected the filing will become effective. If delay carries the date beyond the close of the fiscal year and by applying due diligence the registrant and its independent accountant can have an audit completed prior to the planned effective date, certified statements for the fiscal year should be substituted for interim statements whether or not the interim financial statements have been certified.

When later interim financial statements are to be furnished to supplement either fiscal year or interim statements which have been certified, the later statements would in the usual case be unaudited. However, when numerous or involved financial transactions have been effected since the date of the financial statements furnished or it is recognized that unusual conditions affect the determination of earnings, the Commission has indicated that later financial statements may be requested on a certified basis as a condition to acceleration under section 8(a) of the Act.

(2) *Forms S–2 and S–3.* All financial statements on these forms are required to be certified. In all cases of extended delay later statements should be prepared so that at the expected effective date the statements are not over four months old.

(3) *Forms S–4, S–5 and S–6.* Wherever practicable, filings on these forms should be scheduled so that interim statements other than mid-year will not be necessary.

(4) *Forms S–8 and S–9.* In cases of unusual delay of effectiveness of the registration statement, consideration should be given to presenting such later financial data, including interim earnings, when such information has been published or issued to stockholders.

(5) *Form S–11.* Principles set forth above for Form S–1 should be applied to filings on this form as appropriate.

(b) *Financial data* Volume statistics, loss experience in insurance companies, bad debt and collection experience in finance, real estate and small loan companies, backlog and similar data should be brought up to date when later financial statements are furnished.

12. *Names of customers and competitors.* Item 9(b) of Form S–1 requires certain disclosures as to the nature of the market for the registrant's products or services and as to the registrant's competitive position in the industry. In connection with these disclosures the names of either customers or competitors are not required in the usual case. If the registrant voluntarily includes such names, no objection is ordinarily raised unless in the particular case the effect of including such names is misleading. If a substantial part of the business of an issuer is dependent upon a single customer, the loss of which would have a materially adverse effect on the registrant, the name of the customer and other material facts with respect to the relationship and the importance of the business to the registrant should be included.

13. *Extractive reserves.* Instruction 2 to Item 1 of Form S–1 requires that registrants engaged in extractive operations include in their prospectus, where appropriate, the quantitative amount of their reserves. If appropriate, the current market price per barrel of oil, m.c.f. of gas, or the assay value per ton of ore may also be shown but it is deemed inappropriate to show a dollar amount equal to the market price multiplied by the number of barrels of oil, m.c.f. of gas or tons of ore.

14. *Liabilities of shareholders to laborers, servants, or employees under State law.* Statutes of several of the states impose joint and several liability on corporate shareholders for labor debts (i.e., debts, wages, and salaries due and owing to employees by the corporation). The potential liabilities imposed on shareholders by these statutes should be appropriately disclosed in the prospectus unless such disclosures would be immaterial because it is unlikely that the liability would be asserted due to the financial resources of the registrant.

15. *Annual reports to security holders.* The prospectus should disclose whether or not annual reports of the registrant will be furnished to security holders and whether or not such reports will contain certified financial statements. The nature and frequency of other reports to be issued by the registrant also should be disclosed. However, this disclosure is not required in the case of registrants required to send annual reports containing certified financial statements to security holders pursuant to the statutes or regulations administered by the Commission or pursuant to a listing agreement with a national securities exchange.

16. *Executive committee.* If the registrant has an executive committee, the members thereof should be indicated by a footnote or other appropriate means in connection with the disclosures required by Item 16 of Form S–1.

17. *Voluminous and verbose prospectuses.* Prospectuses are sometimes difficult to read and to understand. Registrants have been encouraged to reduce the size of the prospectus by careful organization of the material, appropriate arrangement and subordination of information, use of tables and the avoidance of prolix or technical expression and unnecessary detail. In this connection, attention is directed to Rule 460(f), 17 CFR 230.460(f).

Material on the cover page of the prospectus should be as brief as possible with an appropriate cross reference to more complete information elsewhere in the prospectus, particularly where the underwriters receive multiple benefits that cannot be completely described on the cover page.

18. *Introductory statements.* In many instances the securities to be offered are of a highly speculative nature. The speculative nature may be due to such factors as an absence of operating history of the registrant, an absence of profitable operations in recent periods, the financial position of the registrant or the nature of the business in which the registrant is engaged or proposes to engage. In such instances, and particularly where a lengthy prospectus cannot be avoided, there should be set forth immediately following the cover page of the prospectus a carefully organized series of short, concise paragraphs summarizing the principal factors which make the offering speculative with references to other parts of the prospectus where complete information with respect to such factors is set forth.

19. *Dating of prospectuses.* The date of the prospectus required by Rules 423 and 433, 17 CFR 230.423 and 230.433, should be on the cover page.

20. *Pictorial representations in prospectuses.* Ordinarily, photographic reproductions of principal properties or important products in prospectuses are permissible where they do not create a misleading impression. However, artists' architects' or engineers' conceptions or renderings may be misleading in that there is no assurance of completion of the structure or because of lack of accuracy of the conception or rendering.

21. *Promoters.* The term "promoters" is defined in Rule 405, 17 CFR 230.405, and used in various forms. All persons coming within the definition of the term "promoters" may be referred to as "founders" or "organizers" or some other term provided the term used is reasonably descriptive of their activities and the information called for by the form as to such persons is disclosed.

22. *Identification of members of board of directors selected by underwriters.* As indicated in Securities Act Release No. 4475, dated April 13, 1962, published in the FEDERAL REGISTER of April 26, 1962, 27 F.R. 3990, the Commission has refused to accelerate the effective date of a registration statement where an underwriter has the right to designate a director and the person has not been designated but when designated may be a director, officer, partner, employee or affiliate of the underwriter. If the person to be designated will not be so related to the underwriter and the underwriter is not otherwise in a position to identify such person, then the prospectus should contain a representation so stating.

23. *Expenses of issuance and distribution.* In accordance with the usual practice, the total of the expenses which are itemized in Item 23 of Form S–1 should be set forth in a note to the net proceeds column of the underwriting table on the cover page of the prospectus.

24. *Permits or licenses to issue securities required by certain states.* It is understood that California and several other states require that a permit be obtained for the issuance of securities by any registrant organized under the laws of the state or having connections with the state such as the location of its principal place of business or having share-

holders in the state. If a registrant may be required to obtain a permit or license in any such state, the opinion of counsel as to the legality of the securities to be registered, filed as an exhibit pursuant to Instruction 6 of the Instructions as to Exhibits of Form S–1, should state whether such a permit or license has been or will be obtained and, if not, the effect of such failure upon the legality of the securities and other legal consequences of failure to obtain such a permit or license, i.e., possible civil liability for recovery of the purchase price of the securities.

25. *Reports or memoranda concerning the registrant.* If, within the past twelve months, any engineering, management or similar report or memorandum relating to broad aspects of the business, operations or products of the registrant has been prepared for or by the registrant, any security holder named in answer to Item 19(a) of Form S–1, or any principal underwriter of the securities being registered, or if any report or memorandum has been prepared for external use by the registrant or a principal underwriter in connection with the proposed offering, such report or memorandum should be furnished to the Division as supplemental information prior to any pre-filing conference or, if none, at the time of filing the registration statement. There also should be furnished at the same time a description as to the actual or proposed use and distribution of such report or memorandum. Such description should identify each class of persons who have received or will receive the report or memorandum, and state the number of copies distributed to each such class. If no such report or memorandum has been prepared, the Division should be so informed in writing at the time the report or memorandum would otherwise have been submitted.

26. *Distribution of the preliminary prospectus.* Rule 460, 17 CFR 230.460, provides in substance that, in ruling upon requests for acceleration of the effective date of a registration statement, the Commission will consider whether an adequate distribution of the preliminary prospectus to underwriters and dealers who it is reasonably anticipated will participate in the proposed offering has been made a reasonable time in advance of the anticipated effective date of the registration statement. Accordingly, in each applicable case, the registrant should furnish to the Division, prior to or at the time of filing a request for acceleration pursuant to Rule 461, 17 CFR 230.461, the following information with respect to the extent of the distribution of the preliminary prospectus: (1) The dates of distribution; (2) the number of prospective underwriters and dealers to whom they were furnished; (3) the number of prospectuses so distributed; and (4) the number of prospectuses distributed to others, identifying them in general terms.

Distribution of preliminary prospectuses to dealers is not ordinarily a condition for acceleration in the case of offerings of securities to stockholders by subscription rights or otherwise, unless it is contemplated that the distribution will be made through dealers and the underwriters intend to make the offering during the stockholders' subscription period, in which case copies of the preliminary prospectus must be distributed to dealers prior to the effective date of the registration statement in the same fashion as is required in the case of other offerings through underwriters. Where the underwriters do not intend to offer the securities during the stockholders' subscription period, distribution to dealers of the preliminary prospectus is not required.

27. *Representations from selling stockholders.* When outstanding securities are registered to cover a proposed offering for the account of selling security holders, the registrant should forward to the Division a statement from each selling security holder (or in the case of a large group of selling security holders, from the principal members of the group) setting forth the reason or reasons for the sale of such securities. The statement should also contain a representation that such person is familiar with the registration statement and should set forth any material adverse information known to the selling security holder with regard to current and prospective operations of the registrant not disclosed in the prospectus (or a negative representation to such effect, if applicable).

28. *Securities Act exemption for shares subject to options.* Registrants with employee stock option plans who have not registered the underlying stock should inform the Division by letter as supplemental information at the time of filing a registration statement covering securities of the same or other classes whether it is intended to register stock to be issued upon the exercise of the options. If registration is not contemplated, information specifying the exemption from the registration requirements intended to be relied upon and the pertinent facts supporting such claim should be submitted unless already supplied in Item 26 of Form S–1. Such information submitted should include: the approximate number of persons who may be eligible to receive options under the plan; their positions with the registrant and their general salary classification; the extent to which they meet the standards of S.E.C. v. Ralston Purina Co., 346 U.S. 119 (1953); and the nature of any restrictions on transfer and investment representations required. In addition, if any purchasers of option stock have resold or transferred their shares, the circumstances of such dispositions, consistent with the claimed exemption, should be explained by the registrant in its letter. If no such dispositions have occurred, it should be so stated.

29. *Registration of options and stock issued or sold to underwriters.* As stated in Securities Act Release No. 3210, dated April 9, 1947, published in the FEDERAL REGISTER of April 18, 1947, 12 F.R. 2513, options and the stock to be issued upon exercise thereof which are issued to underwriters in connection with a registered public offering are to be considered part of the same offering as that being registered. Accordingly, such options and the stock subject thereto are required to be registered along with the securities to be offered to the public, notwithstanding that it is represented that such options have been acquired for investment and not with a view to distribution.

Where the options are granted by some person other than the issuer, at or about the time of the proposed registered offering, the same registration requirements will apply, and the registration statement should be signed by such persons as issuers of the options. Although registration of non-transferable options will not be required, the underlying stock should be registered as aforesaid.

The same procedure should be followed with respect to stock sold to underwriters in connection with an underwriting.

In such cases, the registration statement should include an appropriate undertaking similar to the following:

> The registrant undertakes with respect to _____ shares issued (or to be issued) to underwriters, that (1) any prospectus revised to show the terms of offering of such shares (other than a transaction on a national securities exchange), and (2) any prospectus revised to comply with the requirements of section 10(a)(3) of the Securities Act of 1933, will be filed as a post-effective amendment to the registration statement prior to any offering thereof; and that the effective date of each such amendment shall be deemed the effective date of the registration statement with respect to securities sold after such amendment shall have become effective.

No exemption to the foregoing registration requirement exists where the options are not exercisable until some future date, unless substantially later than the proposed effective date of the registration statement.

30. *Revision of prospectuses where a company and its employee plan have different fiscal years.* Where securities are registered under the Act for offering pursuant to an employee stock purchase, savings or similar plan, and the interests in the plan constitute a separate security, such interests are also required to be registered and appropriate financial statements of the plan must be included in the prospectus. In a number of these cases the fiscal year of the plan ends on a date different from that of the employer company, so that information with respect to the plan may become out of date for the purpose of section 10(a)(3) of the Act prior to that relating to the company, or vice versa. The question has been raised whether the prospectus may continue to be used until up-to-date financial statements and other information is available for both the plan and the company.

In such a case after information with respect to the plan or the employer company becomes out of date it is not permissible to continue using a prospectus which does not contain the required up-to-date information. However, a registrant may file a post-effective amendment to the registration statement containing the required information and after the amendment becomes effective may continue to use the old prospectus with the up-to-date financial statements and other information attached, until the prospectus must be revised to in-

clude up-to-date financial statements and other information with respect to the plan or the employer company, as the case may be. A copy of the prospectus with up-to-date information attached need not be furnished to existing participants in the plan who have previously received a copy of the prospectus and who are otherwise furnished with a copy of such up-to-date information, provided the prospectus contains a statement to the effect that such financial statements are to be deemed to be incorporated therein by reference for all purposes of the Act and the rules and regulations thereunder.

31. *Disclosure of confidential material to other government agencies.* Rule 485 under the Act, 17 CFR 230.485, provides the procedure to be followed by registrants who request the Commission to accord confidential treatment to a contract (or portion thereof) on the grounds that public disclosure would impair the value of the contract and is not necessary for the protection of investors. In an application for such confidential treatment of a material contract or portion thereof, the applicant should state whether or not the applicant is willing to permit the disclosure of the contract to other governmental bodies. Such permission is one factor which will be considered by the Commission in ruling on the application.

32. *Mailing of amended preliminary prospectuses to regional offices.* Unmarked copies of the preliminary prospectus contained in any material amendment to the registration statement should be sent to the Commission's regional offices located at 105 W. Adams Street, Chicago, Illinois, 60603, and 225 Broadway, New York, New York, 10007.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 7, 1964.

[F.R. Doc. 64-1515; Filed, Feb. 14, 1964; 8:47 a.m.]

Title 18—CONSERVATION OF POWER

[Order No. 276-A; Docket No. R-226]

Chapter I—Federal Power Commission

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Report Forms Prescribed for Electric Utilities and Licensees and Natural Gas Companies

FEBRUARY 11, 1964.

By order issued December 18, 1963, we prescribed, among other things, new schedules entitled "Expenditures for Certain Civic, Political and Related Activities" to be included in the annual reports (FPC Forms Nos. 1 and 2) required to be filed by electric utilities, licensees, and natural gas companies. Inadvertently we failed to include therein the required related amendment of the regulations to provide for the new schedules.

The Commission orders:

Amend §§ 141.1(d) and 260.1(c), Chapter I of Title 18 of the Code of Federal Regulations, by inserting, to immediately precede the line "Common Utility Plant" appearing in each, a line reading "Expenditures for Certain Civic, Political and Related Activities". As amended §§ 141.1(d) and 260.1(c) read as follows:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * * * *

(d) * * *

* * * * * * *

Expenditures for certain civic, political and related activities.

* * * * * * *

§ 260.2 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * * * *

(c) * * *

* * * * * * *

Expenditures for certain civic, political and related activities.

* * * * * * *

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1520; Filed, Feb. 14, 1964; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Miscellaneous Indian Irrigation Projects in Arizona, Nevada, Oregon

There was published in the FEDERAL REGISTER on September 7, 1963 (28 F.R. 9824) a notice of intention to amend § 221.105, *Charges*, Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against irrigable lands of miscellaneous Indian irrigation projects in Arizona, Nevada, and Oregon, by raising the annual per acre assessment rate for non-Indian owned lands and for Indian owned lands leased to non-Indians at Duck Valley and Pyramid Lake Indian Irrigation Projects, Nevada. Interested persons were given an opportunity to submit their comments, suggestions, or objections with respect to the proposed amendments to the Phoenix Area Director, Bureau of Indian Affairs, Phoenix, Arizona, within 30 days of publication of this notice in the FEDERAL REGISTER. No written communications were received.

Section 221.105 is hereby amended to read as follows:

§ 221.105 Charges.

Pursuant to the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered under the respective irrigation systems of the projects listed in this section are hereby fixed in the following amounts for non-Indian owned lands, Indian owned lands leased to non-Indians, and Indian owned and operated lands, for the calendar year 1963 and for each succeeding calendar year thereafter until further notice:

ANNUAL PER ACRE ASSESSMENT

Project	Non-Indian owned land	Indian owned land leased to non-Indians	Indian owned and operated land
Duck Valley:			
Subjugated lands	$3.40	$3.40	$3.40
Native hay lands	3.40	3.40	1.00
Pyramid Lake	8.50	8.50	.50
San Carlos Reservation	16.00	16.00	5.50
Warm Springs	2.00	2.00	0

W. WADE HEAD, *Area Director.*

[F.R. Doc. 64-1545; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart B—Definition of Terms

§ 1001.201-3 [Deleted]

Delete § 1001.201-3.

Subpart L—Specifications, Plans, and Drawings

Revise § 1001.1207 to read as follows:

§ 1001.1207 Alternate articles or qualities.

Alternate bids may be used where the Government wishes to have a certain quality of work done or items delivered, but the cost of such work or items may be so high that the Government's interest will require procurement of a lesser quality.

Subpart M is revised to read as follows:

Subpart M—Transportation

Sec.

1001.1301	General.
1001.1305	Delivery terms.
1001.1305-2	F.o.b. origin or destination.
1001.1305-3	F.o.b. destination.
1001.1305-4	F.o.b. origin.
1001.1306	Consignment and marketing instructions.
1001.1309	Volume shipments within the United States.
1001.1313	Transportation rates and related costs.

AUTHORITY: The provisions of this Subpart M issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1001.1301 General.

In the Air Force, traffic management advice is provided by transportation officers.

§ 1001.1305 Delivery terms.

§ 1001.1305–2 F.o.b. origin or destination.

Prior to issuing an IFB, RFP, or RFQ for central procurement supplies, an AFLC Form 354 Transportation Data (PR or MIPR), will be prepared and the data so furnished will be considered in solicitations.

§ 1001.1305–3 F.o.b. destination.

When supplies are to be delivered "f.o.b. destination" the following will appear in the schedule:

F.o.b. destination: Supplies shall be shipped direct by the contractor to the specified destination(s) at the expense of the contractor.

§ 1001.1305–4 F.o.b. origin.

This section is mandatory for all procurement activities.

(a) *Small purchases (except petty cash).* If a small purchase covers a shipment of 20,000 pounds or more to a single destination, the procedures in paragraph (b) of this section will be followed. Shipment will not be authorized by prepaid parcel post unless an emergency condition exists and time required to furnish U.S. Government mailing indicia would cause an undue delay.

(1) If the shipment does not qualify for a GBL, the following will be included in the written solicitation or discussed in the oral solicitation:

"F.o.b." contractors plant _____ (City) (State)
Shipping instructions will be contained in the order issued by the Government. Please furnish the following:

Shipment may be made by U.S. Postal Service. Request U.S. Government mailing indicia be furnished with the order.

Shipment cannot be made by parcel post. Request order authorize shipment by prepaid freight with charges billed as a separate item on the invoice.

The information requested may be changed to meet the needs of specific purchase actions such as pick up by Government vehicle or prepaid parcel post with charges to be shown as a separate item on invoice.

(2) The order or contract will contain one of the following provisions:

(i) *When shipment will be by postal service.*

Ship by U.S. Postal Service. U.S. Government mailing indicia is attached which requires no postage.

(ii) *For shipments other than postal service.*

Ship by prepaid freight and bill charges as a separate item on invoice. Copy of paid freight bill or commercial bill of lading marked Prepaid will be attached to invoice if transportation charges are in excess of $25. Ship via ------[1]/------ most economical method.

[1](Use appropriate statement.) The statement may be amended to cover specific purchases such as furnishing addresses of destinations subsequent to issuance of order, or pick up by government vehicle.

(b) *Other purchases.* The clauses in §§ 1007.4004 and 1007.4050 of this subchapter will be used according to the instructions contained therein. If base procurement activities do not desire to use these clauses, an appropriate provision will be included in the contract schedule. When a purchase in excess of $2,500 does not justify the issuance of a GBL, the procedures in paragraph (a) of this section may be used. The contracting officer will obtain the advice of a transportation officer if necessary. When the clause in § 1007.4004 of this subchapter is used, the following will appear in the schedule:

(1) F.o.b. carrier's equipment at the plant or plants at _____, at which (City and State)
such supplies are to be finally inspected and accepted.

(2) F.o.b. _____ which is (City and State)
the nearest point or points that carrier service is available to the plant or plants at which final inspection and acceptance are to be accomplished.

§ 1001.1306 Consignment and marketing instructions.

(a) All information on shipping addresses (except on GFAE and GFAE-type items) that is supplied with a purchase request (PR), a military interdepartmental purchase request (MIPR), or other document serving as an authorization for procurement, will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

(b) Shipping instructions for GFAE and GFAE-type items will not be incorporated in the contract, but all information on shipping addresses will be incorporated in the shipping instruction verbatim from the AFPI Form 44, Request for Issuance of Shipping Instructions, that is processed according to §§ 1054.1503 and 1054.1505 of this subchapter.

(c) The contract, purchase order, or delivery order number will be made a part of each shipping address as shown in the example below. This will expedite identification of shipments received by a consignee:

Transportation Officer,
MOAMA, Brookley AFB, Ala.
Marked for:
AFD 2010, FSC 6740
Contract AF33(600)—40919.

(d) Transportation appropriation data that is supplied with a MIPR or other document serving as an authorization for procurement will be incorporated verbatim into the original or amended shipping instruction provisions of the resulting contract.

§ 1001.1309 Volume shipments within the United States.

See paragraph 201004b, AFM 75–2, for definition of volume shipments (movements).

§ 1001.1313 Transportation rates and related costs.

AFPI Form 28A, Transportation Data (IFB or RFP). To enable the evaluation of competitive bids to assist in routing shipments, each IFB or RFP which provides for delivery other than f.o.b. specified destinations will include AFPI Form 28A.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

1. In § 1002.407–9(b) revise subparagraph (2)(i)(*e*) as follows:

§ 1002.407–9 Protests against award.

* * * * *

(b) * * *

(2) * * * (i) * * *

(*e*) Current status of award or contract: If award has been made, indicate if performance has commenced, shipment or delivery has been made, award action has been suspended or stop work order issued.

2. Revise § 1002.408–1 to read as follows:

§ 1002.408–1 Unclassified awards.

(a) Generally, unsuccessful bidders should be notified in writing that their bid was not accepted. Determination of the means of notifying unsuccessful bidders that their bid was not accepted is at the discretion of the contracting officer. Such determination should be based on the contracting officers evaluation of the economies of form post cards or form letters versus the goodwill derived from personal letters. When form letters and personal letters are used, they should be similar to the following:

Gentlemen: Receipt is acknowledged of your bid in response to our Invitation for Bid No. _____. This is to inform you that award was made to: Contractor _____ City _____ State _____ Item No. _____ Price _____. The interest shown by your firm in submitting a bid is appreciated. However, we are unable to award you a contract in this instance.

Very truly yours,

_____
(Contracting Officer)

(b) In case, when an inquiry is made, the letter is addressed to an unsuccessful bidder who is lower in price than the successful bidder due to rejection of the lower bid on the basis of a negative pre-award survey (facility capability report), the last paragraph will read as follows:

The interest shown by your firm in submitting a bid is appreciated; however, we are unable to award you a contract in this instance due to a negative pre-award survey (facility capability report) on your firm with respect to this procurement. Basis for the negative survey report cannot be provided to you by the undersigned but may be obtained from the chief of the activity that performed the survey, located at _____ (here insert name and address of the CMD or AFPRO).

(c) When unsuccessful bidders are notified orally that their bid was not accepted, a memorandum to this effect

setting forth date, place, and individual notified will be placed in the contract file.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

1. Revise §§ 1003.101–50(c)(2) and 1003.101–51, to read as follows:

§ 1003.101–50 Requests for proposals.

* * * * *

(c) * * *

(2) Requirements which do not meet the criteria of subparagraph (1) of this paragraph, a minimum time of 30 days will normally be allowed for submission of proposals. When a period of less than 30 days is to be allowed, written authorization will be obtained by the contracting officer from the director or deputy director of procurement and production (or comparable level at APRE and APRFE) at AFLC activities, directors or deputy directors of procurement or comparable level) at AFSC activities and OAR, or the chief or deputy chief of base procurement offices. AFSC, OAR, or AFLC AMA directors of procurement and production may redelegate this authority to positions not lower than two levels above the contracting officer. The contract file will be documented accordingly.

§ 1003.101–51 Verification of the requirement.

During the course of negotiation, the contracting officer will verify the requirement with the initiating office to insure that only required supplies or services are procured. This is particularly important in those circumstances where negotiations have been prolonged, or the description of the item or delivery schedule is changed in negotiation. In every case, the contracting officer will again verify the requirement within 20 days prior to final execution of the contract for the Government and will document the record accordingly.

§§ 1003.104, 1003.105 [Deleted]

2. Delete §§ 1003.104 and 1003.105.

Subpart B—Circumstances Permitting Negotiation

§ 1003.211–2 [Deleted]

1. Delete § 1003.211–2.

2. Delete present § 1003.211–50 and insert the following therefor:

§ 1003.211–50 Sample format and justification.

(a) Following are sample formats acceptable for determinations and findings under 10 U.S.C. 2304(a)(11). The first format is for individual determinations and findings. The second format is for class determinations and findings.

DEPARTMENT OF THE AIR FORCE

INDIVIDUAL DETERMINATIONS AND FINDINGS

Authority to Negotiate Contract

I hereby find that this procurement is for (set forth description of work to be accomplished and enough specific facts and circumstances to justify the specific determination to be made). (This is a follow on procurement action which was originally placed through competition.)[1]

I hereby determine that the proposed procurement is for (experimental) (developmental) (or research) work (and for furnishing of property for development and test)[2] and is required in the interest of national defense.

I further determine that the use of formal advertising would be impractical because (set forth the basic reason only).

Upon the basis of the determinations and findings above, I hereby authorize the negotiation of a contract for this procurement pursuant to 10 U.S.C. 2304(a)(11).

(2)

DEPARTMENT OF THE AIR FORCE

DETERMINATIONS AND FINDINGS

Authority to Negotiate Contract

This procurement will consist of one or more contracts for (set forth cursory description only) _____.

I hereby find that the proposed contracts are for the procurement of (set forth description of work to be accomplished and specific facts and circumstances to justify determination to be made) _____.

I hereby determine that the proposed contracts are for (experimental) (developmental) (research) work (or for making or furnishing of property for experiment, test, development, or research)[2] and are required in the interest of national defense.

I further determine that the use of formal advertising would be impractical because (set forth specific reasons). It is to be understood, however, that this determination and findings will not be used to avoid procurement by formal advertising for items which can be procured by that method without impairing the program.

Upon the basis of the determinations and findings above, I hereby authorize the negotiation of contracts for this procurement pursuant to 10 U.S.C. 2304(a)(11). This class determination shall remain in effect until June 30, ____[3].

[1] This statement will be added if applicable.

[2] Use the word or words "experimental," "developmental," "research," or "furnishing of property for development and test," which properly describe the work to be done.

[3] Each class determination and findings will specify an effective period which will normally not exceed one year.

(i) For easy identification the lower right hand side of the D&F will contain the purchase request number or other identifying nomenclature. (e.g., project number or weapon system number.)

(ii) To relieve undue administrative processing, minimize delays to important major weapon system programs, and to provide for more operational flexibility, class determinations and findings, instead of individual determinations and findings, may be used across the entire exploratory development program or for each major research and development program when there is a good likelihood that more than one contract will be issued during a period (normally not to exceed one fiscal year) in furtherance of such program. The number of individual requests for determinations and findings that will be required should the request for class determinations and findings be disapproved will be noted in the letter of transmittal. Basic criteria which must be met in grouping effort into a class determination and findings package are:

(*a*) The overall program area should be controlled by a "single point of strong technical management."

(*b*) There should be a major thread of common technical effort to be undertaken, preferably administered through a single organization.

(*c*) In addition to being sufficiently definitive to determine that negotiation is, indeed, required, the total effort covered must also be specific enough to insure that only that effort which has been defined is included in the broad authorization.

(*d*) The total proposed effort described for authorization must fall within the available resources and conform to previous program decisions.

(b)(1) Determinations and findings for research and development will be identified within two categories: (i) Those for basic or applied research and advanced technology, and (ii) those for research and development programs leading to future operational systems of AF inventory equipment. The information in subparagraph (2) of this paragraph will be set forth in narrative form in letter of transmittal requesting determinations and findings under 10 U.S.C. 2304(a)(11) for both Category A and B programs.

(2) *General.* (i) Complete description of proposed effort in terms readily understandable by a layman: This will include an explanation of whether proposed procurement is for research, development, or experimental work, the manufacture or furnishing of supplies for experimentation, development, research, or test, or for a combination of two or more of the foregoing. Further, if the proposed procurement covers manufacturing methods, in whole or in part, specific mention will be made of this fact. In addition, where applicable, statements responsive to the following questions will be required:

(*a*) Is this an isolated task or part of a whole balanced program?

(*b*) What is the end result of this effort—does it have a specific use, or is its purpose to acquire general knowledge?

(*c*) How will the results of this task be applied ?

(*d*) Does the current level of technology support the feasibility of this further effort?

(*e*) To what degree has this proposed effort been coordinated with other interested AF activities—with other agencies?

(ii) When supplies are to be procured for the purpose of service testing, the need for the specific quantities involved must be clearly explained and justified.

(iii) Estimated dollar amount of procurement.

(iv) Purchase Request number, citation of funds to be obligated, program structure, project and task number as may be applicable.

(v) Set forth the desired contract placement date and type of contract contemplated. (Note restriction on use of CPFF type of contracts in § 3.405–5(c)(1) of this title.)

(vi) Reasons for negotiation must be explained, substantiated and support the further determination made in the determinations and findings. (Reasons should be compatible with type of contract contemplated.)

(vii) Set forth the source to be awarded the procurement, if known, or the potential sources to whom the procurement may be awarded. The statement that a segment of industry will be solicited is not acceptable. Class requests listing more than 15 sources will give the criteria to be used in selection of source, for individual procurement thereunder. (e.g., 10 of the most qualified sources will be solicited for each procurement, etc.)

(viii) If sole source, state reason why other sources cannot be considered.

(ix) If initial sole source, state whether based on solicited or unsolicited proposal. Why?

(x) If initial sole source and the information is readily attainable, state who financed the effort which put the proposed contractor in sole source position. (Contractor or Government.)

(xi) If follow-on procurement is with the same source:

(*a*) Give a brief statement regarding the presence or absence of previous competition which led to the original selection of the proposed contractor. (Presence of previous competition will be noted on the D&F by inclusion of statement shown in sample format.)

(*b*) Are there other sources with comparable experience and facilities?

(*c*) What would be the extent and impact, including loss of time, on duplicating this source's experience and facilities?

(*d*) Are there any other reasons why it is necessary to continue with incumbent?

(3) *Additional information required for Category B Programs.* (i) What plans are being made to advertise or compete the end item in the future? If none, why?

(*a*) What are the target dates for above?

(*b*) Do we intend to obtain rights to all the data needed for effective procurement of the end item?

(*c*) Do we or will we have title to any useful special tooling developed?

3. Revise §§ 1003.212–50(b)(5), 1003.213–4, 1003.213–50(b), and 1003.214–50 to read as follows:

§ 1003.212–50 Format and justification.

* * * * *

(b) * * *

(5) Statement that except for security classification the procurement would have been effected by formal advertising or by negotiation pursuant to section 10 U.S.C. 2304(a), whichever of these two methods of procurement is applicable.

§ 1003.213–4 Record and reports.

The Directorate of Procurement Policy, DCS/S&L (AFSPPB), Hq USAF, will maintain on a current basis a master list of items for which determinations and findings have been made under this authority.

§ 1003.213–50 Format and justification.

* * * * *

(b) Application:

(1) Except as noted in subparagraph (6) of this paragraph, requests for procurement standardization action may be initiated by an individual organization, through appropriate channels, to the Directorate of Supply and Services, Hq USAF (AFSSSDB).

(2) The Directorate of Supply and Services will forward the request to the office of primary responsibility for recommendations on disposition and priority rating to be placed on the item of equipment involved. Recommendations or standardization action with appropriate rating will then be forwarded by the Director of Supply and Services to Air Force Departmental Standardization Office (AFSPDPD).

(3) In arriving at its decision, Hq USAF will apply the criteria and requirements of § 3.213–2 of this title. If it is decided that standardization is warranted, AFSPDPD will forward its recommendations, supported by substantiating data, in quadruplicate, to Hq USAF (AFSSSDB) for coordination with the office of primary responsibility and subsequent submission to the Secretary of the Air Force or his designated representative for findings and determinations.

(4) To facilitate processing, each request will be limited to a single item of supply or group of related items.

(5) In transmitting AF initiated Military Interdepartmental Purchase Requests (MIPRs) requiring procurement of specific technical commercial-type items of equipment for reasons of standardization, the initiating activity will attach a copy of the approved determination to standardize, signed by the Assistant Secretary of the Air Force (Materiel).

* * * * *

§ 1003.214–50 Format and justification.

(a) * * *

* * * * *

2. Authority to Negotiate for Spare Parts (exclude when not applicable). The authority herein granted to negotiate for spare parts is limited to those spare parts which are determined, not later than 90 days prior to the scheduled acceptance of the last article under the contract, to be necessary to support the end items being procured under authority of this determination and findings and are not identical to parts previously procured by the Air Force on other than the contract to which this determination and finding is applicable.

* * * * *

4. Include a statement substantially as follows: Based on the findings above made, I hereby determine that the proposed procurement is for technical or special property requiring (a substantial initial investment) (an extended period of preparation for manufacture) [1] and that formal advertising (would result in additional cost to the Government by reason of duplication of investment) (would result in duplication of necessary preparation already made and would unduly delay procurement).[1]

* * * * *

(b) * * *

(1) * * *

(v) Where duplication of an extended period of preparation for manufacture is relied upon as a basis or the basis for satisfying the legal requirement, it must be clearly demonstrated that the undue delay created by the use of formal advertising would be prejudicial to the AF mission. Where corrective action for the future is indicated such will be discussed under Category 2 below. In addition, the analysis for use of this reason will include the following:

* * * * *

(2) * * *

(ii) Efforts to establish competitive sources and what impediments must be overcome to develop a competitive posture. (For example: There are many cases where future requirements for an item which is the subject of the request for determinations and findings can be procured competitively if it were possible to live with the procurement lead time of inexperienced but qualified producers. Generally, in this situation funding limitation is the impediment to be overcome and corrective action as shown in subdivision (v) of this subparagraph will be taken.)

* * * * *

(v) To alert requiring, programing, and procuring activities to bring about an earlier release of future years buying programs and funds therefor, the following information will be acquired and furnished with each D&F request for items which could be competitively procured if it were possible to live with the procurement lead time of a qualified but inexperienced producer:

FORMAT

For information to accompany transmittal letters forwarding Determinations and Findings under 10 U.S.C. 2304(a)(14) for requirements to be procured from a sole source but which can be completed if program release is earlier.

(a) D&F No. (To be assigned by AFSPM–PO–1). Description.

(b) FY–19 Leadtime (mos.) Required Release Date to Compete.
Units _____ Other Producer _____
_____
Dollars _____ Present Producer _____
FY–19 Leadtime (mos.) Required Release Date to Compete.
Units _____ Other Producer _____
_____
Dollars _____

(c) Date(s) Requiring Activity questioned on future requirements _____.
Date(s) Requiring Activity submitted future requirements _____.
Name(s) of Requiring Activity _____ (Program Designation or Organization).

(d) Date the Programing Activity notified of required Program Release date.
_____.

(e) Other pertinent information:

The above information as to all known future year requirements will be obtained from the requiring activities at the time the D&F is prepared. These requirements will, in turn, be converted into the required program release dates and submitted to the programming activity for their information and action.

(vi) Digest examples:

* * * * *

§ 1003.215–51 [Amended]

3. In § 1003.215–51 paragraph 3 is deleted and paragraphs 4 and 5 are redesignated paragraphs 3 and 4.

4. Add new § 1003.211–3 as follows:

§ 1003.211–3 Limitation.

This authority will not be used for such quantities and kinds of equipment, supplies, parts, or accessories for experiment, development, research, or test as can be appropriately advertised. However, such equipment, supplies, and materials as are necessary to support performance of laboratory research, are required on a priority basis, may be procured under this authority if requested and substantiated by the Director of the using laboratory.

Subpart C is revised to read as follows:

Subpart C—Determinations and Findings

Sec.

AUTHORITY: The provisions of this Subpart C issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1003.301 Nature of determinations and findings.

(a) The policy of the Department of the Air Force is to make class determinations for a period normally not to exceed one year. In requesting class determinations and findings, the supporting information will be as detailed as the supporting information required for an individual determinations and findings under the particular section of the Act involved. In addition, the principal items of CFE as defined and within the purview of AFR 70–9 (System Procurement) to be developed by or incorporated in the production end item by the contractor(s) will be itemized and explained. When the determinations and findings covers a weapon or support system, the major subsystems only will be itemized. When it covers a major subsystem, the major CFE equipments and components will be itemized. CFE items which are not within the scope of the approved determinations and findings will be listed in the letter forwarding the signed determinations and findings.

(b) Determinations and findings signed by the Secretary of the Air Force do not in any instance constitute program or project approval. Authority to negotiate is limited, except for those procurements specifically exempt from provisions of DOD Directive 7200.4, to that portion of the procurement or program which is currently authorized at the time of negotiation or within the FY of the issuance of the determinations and findings, whichever is later. To the extent required by § 1003.306(e), subsequent negotiations which result in increasing the scope of the contract will be covered by additional determinations and findings.

(c) Determinations and findings will in all cases be dated at the time of signature.

§ 1003.303 Determinations and findings below the Secretarial level.

The authority to make determinations and findings under § 3.303(a) of this title is limited to Head of the Procuring Activity, AFSC/AFLC.

§ 1003.305 Forms of determinations and findings.

(a) *Advance payment findings.* See § 163.60, Subpart D, Part 163 of this title.

(b) *Determinations and findings; method of contracting.* Determinations and findings with respect to the use of a cost type contract, a cost-plus-a-fixed-fee contract (including those providing for incentive adjustment of fee), or a fixed-price contract which includes special incentive provisions for redetermination of the fixed fee will be forwarded by letter to the appropriate authorized official (see § 1003.303) for signature. The above type determinations and findings will be prepared in substantially the following format.

DEPARTMENT OF THE AIR FORCE
DETERMINATIONS AND FINDINGS
Authorization for Type of Contract

The Department of the Air Force proposes to use _____ for the procurement
(See Note 1)
of _____ at an estimated cost of
(See Note 2)
$_____.
(See Note 3)
I hereby find that _____.
(See Note 4)

[1] Upon the basis of findings set forth above, I hereby determine pursuant to 10 U.S.C. 2306(c) that _____ and I hereby
(See Note 5)
authorize the use of said contract.

Notes referred to in preceding format are as follows:

NOTE 1. Identify the type of contract proposed to be used.

NOTE 2. Insert the description of the supplies or services sufficiently to identify items being purchased.

NOTE 3. State the amount in round figures—even hundreds or thousand of dollars.

NOTE 4. Insert facts concerning reasons for use of the particular type of contract. Before preparing the findings and determinations, the buyer will decide on what ground to rest the proposed use of one of the subject type of contracts, viz: that: (1) Such a method of contracting is likely to be less costly than other methods, or (2) it is impracticable to secure supplies (or services) of the kind or quality required without the use of the proposed type of contract. The selection of a reason to be stated in the "findings" paragraph will depend on the grounds on which the use of the contract is to be based. The following examples are suggested reasons which would be considered adequate to support the specified determination and the use of the indicated type of contract:

(a) For the use of a fixed-price incentive-type contract because it is likely to be less costly and more rewarding to both Government and contractor:

The nature of the work to be performed is such that there is a possibility of achieving superior weapons, or improved production techniques leading to a reduction of estimated labor or material costs. The use of an incentive type contract will assure the contractor of being rewarded for superior performance or of participation in any savings resulting from reduction in costs and he will make every effort to increase performance and reduce costs.

(b) For use of cost-plus-incentive-fee contract featuring a performance, cost and/or delivery incentive because it is likely to be less costly and most rewarding to both Government and contractor:

The work is for (breadboard or mock-up models) (services or evaluation testing) or (first production)[1] and the uncertainties involved in contract performance are so great as to preclude use of a fixed price incentive arrangement. Use of a cost-plus-incentive-fee type of contract will assure the contractor of being rewarded for (improved performance), (reduction in costs), and/or (improved delivery)[1] giving him the incentive to exert increased diligence in his performance.

(c) For the use of cost (as distinguished from cost-plus-a-fixed-fee) type of contract because it is likely to be less costly:

The contractor will perform the service described above at (cost) or (a predetermined portion of cost), whereas the use of a fixed price incentive, cost plus incentive fee, or cost-plus-a-fixed-fee contract will require that the Government pay, in addition, a profit or fee.

(d) For use of cost-plus-a-fixed-fee contract because it is impracticable to contract on any other basis:

The work is for (research), (preliminary explorations) or (studies)[1] where the level of contractor effort is unknown. The work specifications cannot be defined precisely and the uncertainties involved in contractor performance are of such magnitude that there is no possibility to establish a firm price or an incentive arrangement at any time during the life of the contract; or, This procurement represents a continuation of work now in process under Contract No. ____ which has been conducted upon a cost (cost-plus-a-fixed-fee) basis. The present procurement is so closely related to the work under the above-mentioned contract that it would not be feasible to segregate operations and divide applicable costs.[1]

NOTE 5. Insert the applicable kind of determination, such as:

(a) That the use of (type of contract) is likely to be less costly.

(b) That the use of (type of contract) is likely to be less costly and most rewarding to both Government and contractor.

(c) That it is impracticable to secure supplies (or services) of the kind or quality required without the use of (type of contract).

[1] Use the statement most applicable to the work to be performed.

§ 1003.306 Procedure with respect to determinations and findings.

(a) *Contracting officer's determinations and findings; negotiated contracts.* There is no approved format for individual determinations and findings with respect to the negotiation of contracts under the authority of §§ 3.202, 3.207 and 3.208 of this title, but those set forth for the Secretarial determinations and findings may be used as a guide.

(b) *Approval of determinations and findings; negotiated contracts.* Determinations and findings required under §§ 3.202–3, 3.207–3, 3.208–3, 3.210–3, and 3.211–3 of this title for procurements under $100,000 require contracting officer's signatures and will be subject to the following written approvals:

(1) Hq AFSC, AFSC centers and divisions, and AFLC field procurement activities, Director or Deputy Director of Procurement: This authority may be redelegated not below one level above the

contracting officer for procurements initially estimated to be in excess of $50,000 but not in excess of $350,000.

(2) Purchasing activities other than those stated in subparagraph (1) of this paragraph: Chief or deputy chief of the purchasing office—procurements initially estimated to be in excess of $10,000.

(3) Limitation: No person will exercise the authority redelegated in this paragraph if he is the contracting officer in the procurement involved. This limitation does not apply to SPOs at ASD (or comparable organizations) where the chief of the SPO is the only contracting officer appointed for such SPO. In these instances, the determination and finding will indicate that the person executing the determination and finding is both the contracting officer and the chief of the SPO and no further approval of such determination and findings will be required. In the case of procurements under § 3.211 of this title with more than one phase, in which the total estimated cost is over $100,000 but which are partially financed by amount of $100,000, or less, the total estimated cost will determine the need for a determinations and findings to be made by the Secretary.

(d) *Procedure for Secretarial determinations and findings.* (1) Determinations and findings authorizing negotiation under 10 U.S.C. 2304(a) (11) and (14) will be prepared and processed as soon as the procurement program becomes reasonably firm, i.e., at least 3 months and preferably, but not more than, 6 months prior to estimated contract placement date. Since, in certain situations, this will require submission of determinations and findings prior to receipt of Purchase Authorizations and Requests, the supporting documentation will recite the total estimated quantities, scope of services, or effort expected to be procured and will set forth the procurement plan and the assumptions on which it is based.

(2) Determinations and findings will be prepared on plain bond paper, undated, and without signature block. An original and 10 copies will be submitted with a letter of transmittal containing complete justification for the determinations and findings.

(3) The letter transmitting a determinations and findings to the Secretary is an important document which will be responsive to the requirements imposed by the individual determinations involved. In addition, the letter of transmittal will reference previous determinations and findings, if any, authorizing negotiation for the same item during the past two fiscal years and will state the required contract placement date for the current request.

(4) Letters of transmittal will be submitted in an original and five copies and for 10 U.S.C. 2304(a)(11) determinations and findings may be signed by the Director or Deputy Director of Procurement or by the Director of Research and Development Contracting. Letters of transmittal for 10 U.S.C. 2304(a)(12) through 10 U.S.C. 2304(a)(16) determinations and findings will be signed by the Commander or Deputy Commander of the initiating activity. They will be forwarded to Hq USAF (AFSPPCA) through the following channels:

(i) AFLC activities—AFLC (MCPC).

(ii) AFSC activities—AFSC (SCK).

(iii) OAR activities—OAR (RRMK).

(iv) Other major commands—AFLC (MCPC).

(e) *Quantitative change in requirements.* Whenever a quantitative increase in the requirement or scope of effort over that recited in the justification for a Secretarial determinations and findings occurs prior to or after the execution of the contract, the following policies will govern:

(1) In determinations and findings authorizing negotiation for research and development, the scope of the effort to be incorporated in the contract will not exceed the scope of effort recited in the original request. However, minor modifications within the stated scope of the work are authorized.

(2) Secretarial determinations and findings authorizing negotiation under 10 U.S.C. 2304(a)(14) will be considered to authorize increase in quantities for the configuration changes in items provided the net result does not invalidate the basis for the original determinations and findings nor constitute a basic change in the procurement. In any event, if the aggregate increase in quantities exceeds 50 percent or if any quantity is to be added to an existing contract not within the fiscal year in which the determinations and findings was prepared, an amendment to the determinations and findings must be obtained. Such can be obtained by a message to Hq USAF (AFSPPCA) setting forth the new quantity and either a statement that the factors cited to justify the original submission have not altered or a brief explanation of any significant changes in these factors.

(3) If a change in requirements exceeds the limitations authorized in this paragraph, the procurement will not be consummated until a new determinations and findings covering the increase has been obtained according to prescribed procedures.

(f) *Cancellation.* If total requirements are cancelled or if a signed Secretarial determinations and findings is cancelled or not used for any other reason, Hq USAF (AFSPPCA) will be so notified through the same channels prescribed for submission of requests for determinations and findings. This notification will be made immediately after deciding that the determinations and findings will not be needed; and the determinations and findings will be marked "cancelled" and placed, together with a copy of the letter of notification, in the cancelled PR/MIPR case file.

Subpart F—Small Purchases

1. The following Note is added immediately under the Subpart heading, as follows:

NOTE: Wherever AF Form 385 (Cash Purchase Receipt) or Standard Form 44 (Order, Invoice, Voucher) are designated to be used, DD Form 1155 (Order for Supplies and Services) May 1963, may be used.

2. In § 1003.604–4(a) revise subparagraph (1) to read as follows:

§ 1003.604–4 Delivery of cash purchases by suppliers.

(a) * * *

(1) The total cost of each purchase, including delivery and c.o.d. charges must be $100 or less. ($250 or less for emergency purchases.)

PART 1007—CONTRACT CLAUSES

Subpart KK—Clauses and Arrangements for Negotiated Utility Service Contracts

Revise § 1007.3706–3 to read as follows:

§ 1007.3706–3 Rates for service.

(a) Insert the following clause in contracts if the rates to be paid are those prescribed by a regulatory body and it is intended to pay such rates as changed from time to time by the regulatory body:

* * * * *

(b) Insert the following clause when any of the following conditions exist: (1) Rates are not subject to regulation by any Federal, state, or local regulatory agency, or (2) the contractor also acts as the local regulatory agency and its decisions are not subject to review by a higher regulatory agency, or (3) there is a regulatory agency, but the negotiation of special rates for governmental agencies is permitted by such regulatory agency.

* * * * *

(c) Where the Contractor is a Rural Electrical Cooperative and the rates to be paid have been negotiated and are not those established by a regulatory agency, the following clause will be used:

* * * * *

Subpart NN—Special Clauses

1. Revise §§ 1007.4014, 1007.4038 and 1007.4041 to read as follows:

§ 1007.4014 Certificate of conformance.

The following clause will be incorporated into central procurement supply and services contracts according to § 1014.204–50 of this subchapter and § 14.204 of this title unless exempted by other provisions of this subchapter. The clause may be incorporated into base procurement contracts according to § 1014.204–51 of this subchapter provided the first phrase ending with the word "accepted" is revised to read: "The supplies or services to be furnished hereunder shall be accepted." When the clause is incorporated into the contract utilizing DD Form 1155, either central or base procurement, the portions of the clause inclosed in brackets will be omitted. Omission of portion in brackets is required because the DD Form 1155 does not include either of the contract clauses mentioned therein. When this clause is incorporated into a base procurement contract, the Certificate of Conformance will be attached to or entered on the invoice. When the clause is incorporated into a central procurement contract utilizing DD Form 1155, the Certificate will be attached to or entered on the DD Form 250. The central pro-

curement PCO will use the language in alternate paragraph (a) when items are Government standard, Air Force approved industrial specification, commercial standard and catalogued, and like items which do not require technical inspection at origin, or when the procurement is for $2,500 or less.

CERTIFICATE OF CONFORMANCE (SEPT. 1963)

(a) [Notwithstanding (a) of the clause hereof entitled "Inspection" or "Inspection of Supplies and Correction of Defects," as the case may be], any of the supplies or services to be furnished hereunder may be accepted without prior Government inspection upon receipt of a Certificate of Conformance of the contractor attached to (an invoice or a DD Form 250 as applicable) for supplies or services reading substantially as follows, provided the contractor has been notified by the Inspection Activity that the Certificate is appropriate: (Alternate)

(a) [Notwithstanding (a) of the clause hereof, entitled "Inspection" or "Inspection of Supplies and Correction of Defects," as the case may be], the Government will accept any of the supplies or services to be furnished hereunder without prior Government inspection upon receipt of a Certificate of Conformance of the contractor attached to a (DD Form 1155 or DD Form 250, as applicable) for supplies or services, reading substantially as follows:

I hereby certify that I did, on the _____
(Date)
of _____ 19__, ship via _____
(Month) (Name of Carrier)
on _____, in
(Bill of Lading No., Receipt, etc.)
accordance with shipping instructions issued by the Contracting Officer, the supplies called for by Contract Number _____,
(Insert contract number)
that such supplies were in the quantities and of the quality called for, and were in all respects in accord with the applicable specifications or _____ called
(Complete the services)
for by Contract Number _____
(Insert contract number)
item _____ and that such
(Insert item number)
services were in the quantity and of the quality called for, and were in all respects in accord with the applicable specifications. This statement is furnished to support payment of the attached invoice.

* * * * *

Five copies of the Certificate of Conformance will be attached to copies of the DD Form 1155 or DD Form 250 which are provided the Air Force Accounting and Finance Officer paying the contract.

§ 1007.4038 Price warranty.

The price warranty clause, while not applicable to advertised procurements, may be used in any negotiated fixed-price contract. This clause is suitable for use in contracts for commercial items, or where a cost breakdown of a contractor's costs is not available or not persuasive. For contracts containing escalation provisions, see § 1003.404–3 of this subchapter.

PRICE WARRANTY

The Contractor warrants that the prices of the items set forth herein do not exceed those charged by the Contractor to any other customer purchasing the same items in like or comparable quantities.

§ 1007.4041 Descriptive identification data to be furnished by Government suppliers.

* * * * *

DESCRIPTIVE IDENTIFICATION DATA TO BE FURNISHED BY GOVERNMENT SUPPLIERS (OCT. 1963)

(a) In items No. _____, the contractor shall furnish item identification data in accordance with MIL–D–26715 (USAF) as in effect on the date of this contract. This service is included as an item in the contract schedule. Such data shall be delivered to the Government in accordance with the time cycles contained in the specification. No deliveries shall be made on these items until the contractor receives notification of the appropriate stock numbers or the contract has been amended to include these stock numbers. Any delay on the part of the Government to adhere to the time cycle set forth in the specification shall be considered an excusable delay within the meaning of the clause of this contract entitled "Default" or "Excusable Delays." Any such excusable delay will automatically extend the delivery schedule by the time of the delay.

[DATE DELETED]

* * * * *

2. In § 1007.4028, add new Note 3 immediately preceding paragraph (b), as follows:

§ 1007.4028 Estimated requirements.

* * * * *

ESTIMATED REQUIREMENTS (JAN. 1963)

* * * * *

(3) When it is contemplated that the procedures in § 1003.653 of this subchapter will be used in placing requirements against the contract, action will be taken to annotate the "Alterations in Contract" clause to require deletion (ii) of Paragraph (b).

* * * * *

3. Add new § 1007.4068 as follows:

§ 1007.4068 Purchase of crude rubber.

The following clause will be inserted in all contracts for aircraft tires. In addition, any contract for aircraft, under which the aircraft contractor is to furnish tires, will contain a provision which requires the contractor to insert the same clause in any subcontract for aircraft tires:

PURCHASE OF CRUDE RUBBER (NOV. 1963)

The Contractor shall purchase from the General Services Administration, either directly or through a dealer, during the life of this contract, such quantity of crude natural rubber as equals the quantity of natural rubber contained in the tires to be delivered under this contract. Each order for rubber placed with the General Services Administration pursuant to this clause shall state that it has been placed in accordance with the provisions of this clause and shall identify this contract by number and name of issuing activity. The price to be paid for such rubber shall be the same as that charged by the General Services Administration on its concurrent commercial sales of like quality. Rubber purchased pursuant to this clause may be used in any manner the contractor desires and need not be earmarked in any way after delivery to the Contractor.

PART 1012—LABOR

Subpart H—Nondiscrimination in Employment

Revise §§ 1012.806–1 and 1012.806–4 to read as follows:

§ 1012.806–1 General.

* * * * *

(d) The AF Equal Employment Opportunity Program functions through the contract administration function structure within the Deputy Chief of Staff, Procurement and Production, Hq AFSC, and utilizes the CMR and CMD to accomplish the EEO requirement.

(e) The CMR commanders and the CMD chiefs as well as the DCS/Procurement and Production, Hq AFSC, have been designated as DCCOs.

* * * * *

§ 1012.806–4 Compliance reports.

(a) No implementation.

(b) The contracting officer will furnish the contractors a sufficient number of report forms (Standard Forms 40 and 40a) to satisfy the requirements of § 12.806–4(a) of this title. Contracting officers may requisition required forms through normal AF distribution channels.

* * * * *

(d) Compliance reports required by § 12.806–4(d) of this title and requested by the contracting officer will be submitted to Hq USAF (AFSPPBA) through AFSC (SCKM).

(e) Statements required by § 12.806–4(e) of this title will be submitted to Hq USAF (AFSPPBA) through AFSC (SCKM).

* * * * *

(g) * * *

(4) The contracting officer will furnish the contractors a sufficient supply of SF 41 to satisfy the reporting requirements for the prime and its subcontractors. Contracting officers may requisition required forms through normal AF distribution channels. Requests for supplies of SF 41 will not be made directly to the President's Committee.

* * * * *

Part 1014 is revised to read as follows:

PART 1014—INSPECTION AND ACCEPTANCE

AUTHORITY: The provisions of this Part 1014 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314.

§ 1014.000 Scope of part.

This part sets forth general policy and basic requirements for the inspection and acceptance of supplies and services.

Subpart A—Inspection

§ 1014.102 Activities responsible for inspection.

(a) AFSC for the United States, Canada, Caribbean Area, Bahama Islands, Bermuda, Ascension Islands, Greenland and Iceland, and AFLC for overseas and remaining geographical areas are responsible for assuring the accomplishment within the Air Force of the procurement quality control objectives of the Department of Defense.

(b) AFSC and AFLC within their above assigned geographical areas of responsibilities will normally accomplish inspection and acceptance functions at contractor's facilities. Where contractors are to perform work or services at AF installations, the technical and inspection capabilities of such installations will be used to the fullest extent practicable for accomplishing these functions. (For example, see TO 00–25–199, Administrative Use and Support of Contractor Field Retrofit Teams).

§ 1014.105 Places of inspection.

To aid in determining points of inspection and acceptance according to §§ 14.105, 14.106, 14.203 of this title and § 1001.1302 of this subchapter, the procuring and quality control (inspection) activities will collaborate in establishing categories of supplies appropriate for source of destination inspection and acceptance. Unless there are compelling reasons, there will be only one inspection of material. Where preservation, packaging, packing, and shipping are accomplished at a point other than where the supplies are to be manufactured, the material must be inspected at the point of manufacture. If it is desired that the packaging be inspected at the point where the packaging is accomplished this should be so stated in the contract. Normally the point(s) of inspection and acceptance will be specified in the contract by using one of the following options:

(a) Inspection and acceptance at

(Insert contractor's plant or other source location(s))

(b) Inspection and acceptance at

(Insert the destination point(s))

(c) Inspection at

(Insert the source location(s))

with acceptance at

(Insert the destination point(s))

(d) Inspection at

(Insert the destination(s))

with acceptance at

(Insert the source(s))

(e) Inspection and acceptance of material will be at

(Insert contractor's plant(s) or other source location(s))

Inspection and acceptance of the preservation, packaging, and shipping of the above material will be at

---

(Insert packaging sub-contractor plant(s) or location)

Options (a) and (b) will be most commonly used. Option (c) may be used, for example, where the contractor furnishes supplies requiring source inspection and also performs work, such as installation, at destination which requires further inspection prior to acceptance. The inspection at source will be complete as to the performance of work required of the contractor at that location and normally should not be duplicated at destination. Option (d) may be used in those instances where it is in the Government's interest for acceptance to precede inspection. Where option (e) is used, final inspection and acceptance will be considered to have been accomplished at the packaging subcontractor's plant(s) or location(s).

§ 1014.106 Inspection of small purchases ($2,500 or less).

(a) Where inspection at source is required a special provision will be inserted in the "schedule" section of the DD Form 1155, Purchase Order or Blanket Purchase Agreement, to so state.

(b) The PCO will incorporate the Certificate of Conformance clause in § 1007.4014 of this subchapter with alternate paragraph (a) into central procurement contracts for small purchases ($2,500 and under) in all instances except where inspection is required.

Subpart B—Acceptance

§ 1014.204 Responsibility for acceptance.

§ 1014.204–50 Central procurements.

All central procurement contracts for supplies or services, except those of $2,500 or less will include the appropriate clause in § 1007.4014 of this subchapter "Certificate of Conformance." The determination as to the use of contractor's certificate of conformance will be made by the quality control representative of the administering activity on the basis of experience, knowledge, and optimum utilization of quality control effort, except in those cases where the DD Form 1155 has directed the use of the certificate of conformance by the contractor pursuant to § 1014.106 of this subchapter.

§ 1014.204–51 Base procurement.

The clause in § 1007.4014 of this subchapter, "Certificate of Conformance," may be included in base procurement contracts when the contracting officer has determined that inspection prior to acceptance is unnecessary, the f.o.b. point and point of acceptance are specified as source and one of the following conditions exists:

(a) Delivery will be made directly from the contractor to an accountable supply officer at a destination other than the procuring base.

(b) Delivery will be made to a POE, APOE, or APO for shipment to an oversea activity.

(c) Supplies or services are being procured by an oversea activity and the shipment must cross an international border.

PART 1016—PROCUREMENT FORMS

Subpart C—Purchase and Delivery Order Forms

1. The following Note is added immediately under the Subpart heading, as follows:

NOTE: Wherever AF Form 385 (Cash Purchase Receipt) or Standard Form 44 (Order, Invoice, Voucher), are designated to be used, DD Form 1155 (Order for Supplies and Services) May 1963, may be used.

2. Revise §§ 1016.303–1(a)(1)(ii) and 1016.303–2(b)(5) to read as follows:

§ 1016.303–1 General.

(a)(1) * * *

(ii) When the DD Form 1155 is used the evidence of receipt may be indicated by completing the receiving portion of the Form or by use of DD Form 250. If the DD Form 1155 is used as the receiving report when utilizing the Certificate of Conformance (§§ 1007.4014, 1014.204–50 and 1014.204–51 of this subchapter), only the block marked "Accepted" will be checked and the words "and conforms to contract" deleted.

* * * * *

§ 1016.303–2 Conditions for use.

* * * * *

(b) * * *

(5) When DD Form 1155 is used for central procurement of supplies the appropriate clause in § 1007.4014 of this subchapter, "Certificate of Conformance," will be added (also see § 1014.106 of this subchapter).

PART 1054—CONTRACT ADMINISTRATION

Subpart O—Preparation and Issuance of Shipping Instructions

Revise §§ 1054.1502 through 1054.1504 and 1054.1506 (a) and (e) to read as follows:

§ 1054.1502 Application.

(a) * * *

(4) Call-type or open contracts.

* * * * *

(b) * * *

(1) * * *

(i) Original shipping instructions, if not contained in this contract, and amendments to existing shipping instructions for material on this contract may be issued directly to contractor by (unit code) of applicable Navy Bureau and Navy Office).

* * * * *

(3) Shipping instructions for complete aircraft, missile and target drones (excluding guided aircraft rockets) in Federal Supply Class 1410, 1510, 1520, and 1550, as listed in Appendix 9, AFLCR 23–1, will be issued by the Aerospace Division (MCSC), Directorate of Supply, Hq AFLC, directly to AF plant representative office.

* * * * *

§ 1054.1503 Responsibilities.

* * * * *

(b) *Contracts executed at AMAs.* Designated contracting officers will issue original and amended shipping instructions (except amended shipping instructions referred to in paragraph (d) of this section on (1) Contracts executed at prime AMAs, (2) contracts assigned for complete buying responsibility, and (3) other AFSC ASD executed contracts as specifically directed by ASWGDE.

(c) *Contracts executed by AFSC BSD and AFSC ESD.* (1) For property for which the directorate of materiel management, AFLC AMA has distribution and storage responsibility:

* * * * *

(d) *Administrative contracting officers of certain AFPROs.* Administrative contracting officers of the following listed AFPROs are authorized to: (1) Issue amended shipping instructions upon receipt of AFPI Form 44, Request for Issuance of Shipping Instructions, from inventory manager on other aircraft-missile contracts, AMA executed contracts, and/or contracts assigned for complete buying and/or shipping instructions responsibility, (2) make whatever changes are deemed necessary in the AFPI Form 44 before issuing the shipping instructions, and (3) notify requester of changes made.

* * * * *

§ 1054.1504 Shipping instruction activities.

* * * * *

(c) Amended shipping instructions against open or call type contracts will quote applicable production list or call numbers.

* * * * *

(g) Changes in packaging will be incorporated into shipping instructions by: (1) Transferring the pertinent packaging data to an AFPI 71–163 (reproducible master) and indicating in the shipping instructions that packing and packaging will be according to attached AFPI 71–163 or (2) including the pertinent detail onto the shipping instruction master, appropriately identified as "Packing" and "Packaging." When AFPI 71–163 (reproducible master) is used, all copies of shipping instructions distributed will have attached the appropriate packing and packaging instructions.

(i) The opinion stated by the packaging control officer as to increase and/or decrease in packaging costs of the contract will be suitably annotated on copies of the shipping instructions which are routed to the administrative contracting officer and on the record copy.

* * * * *

§ 1054.1506 Initiators of AFPI Form 44.

(a) When original or amended shipping instructions are required to be issued, initiators of procurement or activities responsible for property distribution will carefully prepare AFPI Form 44, "Request for Issuance of Shipping Instructions," in duplicate and direct it as necessary to comply with § 1054.1503. Where urgency requires, shipping instructions may be requested by telephone or electrically transmitted messages. If requested by telephone, a confirming AFPI Form 44 will be forwarded to the shipping instruction activity within 25 hours. Electrically transmitted requests will state "Request Shipping Instructions" or "Amended Shipping Instructions" and be arranged in paragraph form, each paragraph prefixed by the same number as the equivalent block on AFPI Form 44.

* * * * *

(e) When distribution is controlled by directorate of materiel management, AMA, each AFPI Form 44, initiated to request amended shipping instructions, will:

* * * * *

PART 1057—REPORTS

Subpart L—Contractor Estimate of Provisioning Fund Requirements

Revise §§ 1057.1201, 1057.1202 and 1057.1204 to read as follows:

§ 1057.1201 Applicability of subpart.

(a) The provisions of this subpart are applicable to all directorates of materiel management (D/MM) having provisioning monitorship over AF and MAP contracts and over AF and MAP equities in contracts of other departments and to all activities having administrative responsibilities for such contracts.

(b) Reports will be submitted on active production contracts containing AF and MAP funds for the provisioning of spares, spare parts, and aerospace ground equipment (AGE) upon determination of needs and on an "as called for" basis only, not to exceed one report per month.

(c) The D/MM having provisioning monitorship over the contract may call for reporting on contracts, provided both of the following conditions exist:

(1) Items of provisioned spares, spare parts, tools, test equipment, and aerospace ground equipment on the contract total more than $100,000.

(2) It will take more than 120 days from date of contract to completely define all the item requirements.

§ 1057.1202 Responsibilities.

(a) The D/MM requiring the report will:

(1) Initiate AFPI Form 73, Report of Provisioning Fund Requirements, according to § 1057.1203 (a) through (i). A sufficient number of copies will be prepared to provide one copy for the ACO, one copy for the contractor, and to afford distribution to project/program officers who will require the data to accomplish necessary management of the individual funds projects/programs involved. The copy should reach the ACO no later than the 25th calendar day of the month the report is to cover.

(b) The ACO will assure completion of the report and will be responsible for effecting distribution.

§ 1057.1204 BOB approval.

Bureau of the Budget Approval No. 21–RO58.4 is assigned, expiration date January 31, 1964.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 2301–2314) [AFPI Rev. No. 35, Oct. 31, 1963. AFPC Nos. 91, Nov. 5, 1963; 93, Nov. 19, 1963; 94, Nov. 20, 1963; 97, Nov. 27, 1963]

By the order of the Secretary of the Air Force.

WILLIAM L. KOCH,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–1548; Filed, Feb. 14, 1964; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular 2135]

PART 192—OIL AND GAS LEASES

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Miscellaneous Amendments

On page 10883 of the FEDERAL REGISTER of October 10, 1963, there was published a proposal to amend 43 CFR 192.42, 192.43 and 200.8.

The primary purpose of the proposed amendments was to facilitate the processing of oil and gas lease offers simultaneously filed pursuant to the regulations in 43 CFR 192.43.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. After consideration of all of the comments and suggestions received during that period the following changes and modifications were made in the proposed amendments. The proposal to amend paragraph g(2) of § 192.42 has been revoked. The proposal to establish leasing units under § 192.43(b) has been retained but this section has been clarified by insertion of the phrase "In accordance with paragraph (c) of this section." Section 192.43(c) has been modified to provide that an entry card on Form 4–1164 will constitute an applicant's offer to lease a numbered leasing unit rather than require that such a card accompany an offer on the standard offer to lease and lease form as was originally proposed. Sections 192.42(a) and 200.8(a) have been clarified to make it clear that the use of an entry card is limited to simultaneous filings of oil and gas lease offers under § 192.43. This was accomplished by inserting the phrase, "Except as provided in § 192.43," at the beginning of these respective sections. A new subparagraph (3) has been added to § 192.43 (c) providing for the earning and depositing of advance rentals of the successful drawee.

The amendments are hereby adopted as set forth below and shall become effective at the beginning of the 60th calendar

day following publication in the FEDERAL REGISTER.

1. Paragraphs (a), (b), (c), (e)(1), and (4)(i), and (g)(1) of § 192.42 are amended to read as follows:

§ 192.42 Offer to lease, and issuance of lease.

(a) Except as provided in § 192.43, to obtain a noncompetitive lease an offer to accept such lease must be made on Form 4–1158. "Offer to lease and lease for oil and gas," or on unofficial copies of that form in current use: *Provided*, That the copies are exact reproductions of one page of both sides of the official approved one page form and are without additions, omissions or other changes or advertising. Form 4–1158 or a valid reproduction of the official form will also constitute the lease when signed by the Manager of the Land Office.

(b) Five copies of Form 4–1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States for which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D.C.[1] For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

(c) If there is any variation in the land descriptions among the five Forms 4–1158, the copy showing the date and time of receipt in the land office will control.

* * * * *

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, even though the offer should be rejected or withdrawn in whole or in part.

* * * * *

(4)(i) If the offer is signed by an attorney in fact or agent, it shall be accompanied by separate statements over the signatures of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them or with any other person, either oral or written, by which the attorney in fact or agent or such other person has received or is to receive any interest in the lease when issued, including royalty interest or interest in any operating agreement under the lease, giving full details of the agreement or understanding if it is a verbal one. The statement must be accompanied by a copy of any such written agreement or understanding. If such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers including options for such leases or interests therein exceed 246,080 acres in any one State, of which no more than 200,000 acres may be held under option, or exceeds the permissible acreage in Alaska as set forth in § 192.3(a). The statement by the principal (offeror) may be filed within 15 days after the filing of the offer. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership), or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

* * * * *

(g)(1) Except as provided in subparagraph (2) of this paragraph, an offer which is not filed in accordance with the regulations in this part will be rejected and will afford the offeror no priority.

* * * * *

2. Paragraphs (b) and (c) of § 192.43 are amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

* * * * *

(b) On the third Monday of each month, or the first working day thereafter, if the land office is not officially open on the third Monday, there will be posted on the bulletin board in each land office a list of the lands in leases which expired, were cancelled, were relinquished in whole or in part, or which terminated, together with a notice stating that such lands will become subject to the simultaneous filings of lease offers, in accordance with paragraph (c) of this section, from the time of such posting until 10 a.m. on the fifth working day thereafter. The posted list will describe the lands by leasing units identified by parcel numbers, which will be supplemented by a description of the lands in accordance with § 192.42a, i.e., by subdivision, section, township and range if the lands are surveyed or officially protracted, or if unsurveyed, by metes and bounds. The leasing units will be established to coincide to the extent possible with the lands in an expired, cancelled, relinquished or terminated lease except that where two or more such leases were contiguous and contained a total of 640 acres or less, they may be consolidated into one leasing unit.

(c) Offers to lease such designated leasing units by parcel numbers must be submitted on a "Simultaneous Oil and Gas Entry Card" (Form 4–1664) signed and fully executed by the applicant or his duly authorized agent in his behalf. The entry card will constitute the applicant's offer to lease the numbered leasing unit by participating in the drawing to determine the successful drawee. By signing and submitting the entry card, the applicant agrees that he will be bound to a lease on Form 4–1158 for the described parcel if such a lease is issued to him as a result of the drawing. Only one entry card will be drawn for each numbered leasing unit.

(1) Only one complete leasing unit, identified by parcel number may be included in one entry card. Lands not on the posted list may not be included therein.

(2) The entry card must be accompanied by separate remittances covering the filing fee of $10 and the first year's advance rental. The advance rental must be paid by cash, money order, certified check, bank draft, or bank cashier's check. The filing fee may be paid by a similar remittance or by uncertified check.

(3) Upon determination of the successful drawee for a particular leasing unit, the first year's rental will not be returnable and will be earned and deposited in the United States Treasury upon execution of the lease in behalf of the United States. However, if an applicant withdraws his entry card prior to the drawing or if his offer to lease is rejected, the advance rental will be returned to him, and if the successful drawee is unqualified to receive the lease, the lands in the numbered leasing unit for which such entry card was submitted shall be included in a simultaneous filing drawing procedure to be held during the next or a following month thereafter. Unsuccessful drawees will be notified accordingly by the return of their respective entry cards.

* * * * *

§ 192.44 [Deleted]

3. Section 192.44 is deleted.

4. Paragraphs (a), (b), and (d) of § 200.8 are amended to read as follows:

§ 200.8 Offer to lease and issuance of lease.

(a) Except as provided in § 192.43 of this chapter, to obtain a noncompetitive oil and gas lease of an existing mineral interest whether the Government's interest be whole or fractional, an offer to lease must be made on Form 4–1196, "Offer to Lease and Lease for Oil and Gas; Noncompetitive Acquired Lands" or unofficial copies of that form in current use: *Provided*, That the copies are exact reproductions of one page of both sides of the official approved one-page form and are without additions, omissions or other changes or advertising. Form 4–1196, or a valid reproduction, will also constitute the lease, when signed by the authorized signing officer of the Bureau of Land Management.

(b) Seven copies of Form 4–1196, or valid reproduction thereof, for each offer to lease shall be filed in the land office for the State or land district in which the land is situated, or for land or deposits in States for which there are no land offices, with the Bureau of Land Management, Washington 25, D.C., except that offers for lands or deposits in North Dakota or South Dakota, must be filed in the land office at Billings, Montana; for lands or deposits in Nebraska or Kansas in the land office at Cheyenne, Wyoming; and for lands or deposits in Oklahoma and Texas in the land office at Santa Fe, New Mexico. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

* * * * *

[1] Offers for lands or minerals deposits in the following States should be filed at the land office named: North Dakota or South Dakota, land office at Billings, Montana; Nebraska or Kansas, at Cheyenne, Wyoming; Oklahoma, at Santa Fe, New Mexico.

(d) Except as provided in § 192.42 (g) (2) of this chapter an offer which is not filed in accordance with the applicable regulations in Part 192 of this chapter or in this part will be rejected and will afford the applicant no priority.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 12, 1964.

[F.R. Doc. 64-1580; Filed, Feb. 14, 1964; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 146, 146a, 146b, 146c, 146e]

INFECTION IN CHICKENS

Proposed Nomenclature Change; Extension of Time for Filing Comments

In the matter of nomenclature change with regard to *Mycoplasma gallisepticum* infection in chickens:

The notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of January 1, 1964 (29 F.R. 15), and granted a period of 30 days for the filing of comments. The Commissioner of Food and Drugs has received a request for an extension of time for filing comments. Good reason therefor appearing, the time for filing comments in this matter is extended to March 1, 1964.

This action is taken pursuant to sections 409(d) and 701(e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055 as amended; 72 Stat. 1787; 21 U.S.C. 357(d), 371(e)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: February 10, 1964.

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

[F.R. Doc. 64-1546; Filed, Feb. 14, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-SW-1]

CONTROL ZONE

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Alexandria, La. (Esler Field) control zone is designated within a 5-mile radius of Esler Field and within 2 miles either side of the 327° True bearing from the Esler Field radio beacon extending from the 5-mile radius zone to the radio beacon.

The Federal Aviation Agency has under consideration the alteration of the Esler Field control zone by revoking the control zone extension based on the 327° True bearing from the Esler Field radio beacon and designating an extension within 2 miles either side of the newly installed Esler Field VOR (latitude 31°-6'512" N., longitude 92°19'18" W.) 338° True radial extending from the 5-mile radius zone to 8 miles northwest of the VOR.

This would provide protection for aircraft executing prescribed instrument approach and departure procedures at Esler Field based on the Esler VOR and would eliminate the extension based on the Esler Field radio beacon which is to be decommissioned. Further review of the controlled airspace requirements in the Alexandria, La., area will be accomplished under the CAR Amendments 60-21/60-29 implementation program.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1499; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-144]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 169 extends in part from Smithwick, S. Dak., to Rapid City, S. Dak. The Agency has under consideration the extension of this airway from Rapid City via Dupree, S. Dak., to Bismarck, N. Dak. Rapid City and Bismarck are certified air carrier stops. Under Agency Airway Planning Standard No. 2 dated September 1960, these two terminals qualify for a connecting airway. The alignment of the proposed extension of Victor 169 via Dupree would be to provide adequate navigational guidance along the proposed extension.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1500; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-146]

FEDERAL AIRWAY

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 170 is designated in part from Nodine, Minn., to Dells, Wis. The Federal Aviation Agency is considering the designation of an additional segment of Victor 170 from Sioux Falls, S. Dak., via Worthington, Minn., intersection of Worthington 090° and Mankato, Minn., 212° True radials; Mankato to Farmington, Minn. This action would provide a connecting airway between the permanently scheduled aircarrier stops of Sioux Falls, Worthington, Fairmont, Minn., Mankato and Farmington.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1501; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-147]

FEDERAL AIRWAYS

Proposed Alteration and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 2 is designated in part from Helena, Mont., via the intersection of Helena 119° and Bozeman, Mont., 338° True radials; Bozeman; intersection of Bozeman 157° and Livingston, Mont., 261° True radials; to Livingston. VOR Federal airway No. 86 is designated in part from Whitehall, Mont., to Bozeman. VOR Federal airway No. 127 is designated from Livingston, via the intersection of Livingston 323° and Helena 119° True radials; to Helena.

The FAA is considering the following airspace actions:

1. Redesignate V-2 airway segment from Helena via the intersection of Helena 119° and Livingston 323° True radials; to Livingston.

2. Extend V-86 airway from Bozeman via the intersection of Bozeman 157° and Livingston 261° True radials; to Livingston.

3. Revoke V-127 airway from Livingston to Helena.

This proposed realignment of V-2, extension of V-86 and revocation of V-127 would provide better route continuity for air traffic operating between Helena and Livingston and from Bozeman to Livingston. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements for the airway segment between Helena and Bozeman. Therefore, it appears that the retention of this airway segment is unjustified as continued assignment of airspace. The segment of V-127 between Helena and Livingston would be replaced by the realigned segment of V-2.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordanuce with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1502; Filed, Feb. 14, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-83]

FEDERAL AIRWAYS, SEGMENTS, AND TRANSITION AREA

Alteration, Revocation, and Designation

Notice is hereby given that the Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airways Nos. 97 and 843 are designated in part from Albany, Ga., via the intersection of Albany 350° and Atlanta, Ga., 179° True radials; to Atlanta, including an east alternate to Victor 97 via the intersection of Albany 010° and Atlanta 164° True radials. VOR Federal airway No. 243 west alternate is designated in part from Vienna, Ga., to Atlanta via the intersection of Vienna 286° and Atlanta 164° True radials.

The Federal Aviation Agency is considering the realignment of Victors 97 and 843 direct between Albany and Atlanta. It is also proposed to revoke the segment of Victor 97 east alternate between Albany and Atlanta and to revoke the segment of Victor 243 west alternate between Vienna and Atlanta. The realignment of Victors 97 and 843 as proposed would improve air navigation and reduce the route mileage between Atlanta and Albany. The latest Federal Aviation Agency IFR peak day airway traffic survey for these alternate airway segments shows a maximum of one aircraft movement between Albany and Atlanta and no aircraft movements between Vienna and Atlanta. Therefore, it would appear that these segments of Victor 97 east alternate and Victor 243 west alternate are unjustified as assignments of airspace and that they could be revoked. The revocation of the segments of Victor 97 east alternate and Victor 243 west alternate as proposed herein, would revoke controlled airspace now utilized for radar vectors of aircraft arriving at Atlanta from the south and departing from Atlanta for points south. Therefore, to retain this controlled airspace, it is proposed to designate the Junction City, Ga., transition area as that airspace extending upward from 1,200 feet AG within that area bounded on the east by the arc of a circle 35 miles in radius centered on the Macon, Ga., VORTAC, on the southeast by VOR Federal airway No. 35 west alternate, on the south by VOR Federal airway No. 70, on the west by realigned Victor 97 and on the north by the arc of a circle 50 miles in radius centered on the Atlanta Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements

for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1503; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WE-88]

FEDERAL AIRWAYS, TRANSITION AREA, AND REPORTING POINT

Proposed Alteration and Revocation

Notice is here given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 12 extends in part from Needles, Calif., via the intersection of the Needles 077° and the Drake, Ariz., 274° True radials, Drake, to Winslow, Ariz., including a south alternate from Needles via Prescott, Ariz., and the intersection of the Prescott 095° and the Winslow 248° True radials to Winslow. An east alternate of VOR Federal airway No. 105 extends in part from Prescott via Drake to Peach Springs, Ariz. VOR Federal airway No. 257 extends in part from Prescott via Drake to the intersection of the Drake 002° and the Tuba City, Ariz., 258° True radials and from the Kanosh, Utah, Intersection (intersection of the Delta, Utah, 174° and the Milford, Utah, 051° True radials) to Delta. Drake is designated as a reporting point. A portion of the Prescott transition area includes the area within 10 miles north and seven miles south of the Drake 082° and 262° True radials, extending from nine miles west to 20 miles east of Drake.

The FAA has under consideration the following alterations to the airways and transition area described above:

1. Revoke Victor 12 south and realign Victor 12 from Needles to Prescott (using the present alignment of this segment of Victor 12 south) and direct from Prescott to Winslow.

2. Realign Victor 105 east from Prescott via the intersection of the Prescott 319° and the Peach Springs 134° True radials to Peach Springs.

3. Realign Victor 257 from Prescott northward and extend this airway direct to Bryce Canyon, Utah, thence via the intersection of the Bryce Canyon 338° and the Delta 186° True radials to Delta. This proposal will eliminate the present segment of Victor 257 from Kanosh Intersection to Delta. This airway would be expanded beginning at 45 nautical miles from Prescott in graduated steps of one mile for every five nautical miles in length to 75 nautical miles from Prescott, thence 17 miles wide to 75 nautical miles from Bryce Canyon, thence decreasing in width of one mile for every five nautical miles in length to 45 nautical miles from Bryce Canyon.

4. Revoke Drake as a reporting point.

5. Revoke the portion of the Prescott transition area described above (in the vicinity of the Drake VOR).

The alteration of these airways in the vicinity of Prescott would permit the elimination of the Drake VOR. The alteration of Victor 257 and its extension to Bryce Canyon would provide an underlying low altitude airway for transition to and from the intermediate airway over this route. The expansion in width of this altered and extended segment of Victor 257 would provide adequate controlled airspace for aircraft operating along the airway while at a distance greater than 45 nautical miles from either facility. The extension of V-257 from Bryce Canyon to Delta would provide for airway continuity from Prescott to Salt Lake City, Utah. The elimination of the Drake facility from the airway structure would obviate its use as a reporting point and the portion of the transition area utilized for holding pattern airspace based on this facility.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1504; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-143]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 63 extends in part from Burlington, Iowa, to the Charlotte, Iowa, Intersection. The FAA's latest IFR peak day airway traffic survey shows two aircraft movements on this portion of the airway. Therefore, it appears that the retention of this segment of Victor 63 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation. The revocation of this segment of Victor 63 will necessitate a change in the boundary description of the Moline, Ill., control area extension. This would be accomplished by substituting for Victor 63 a line five miles east of and parallel to the Burlington 005° True radial.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal

docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1505; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-145]

FEDERAL AIRWAY SEGMENT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering the alteration of Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 13 is designated in part from Grantsburg, Wis., to Duluth, Minn. The Federal Aviation Agency is considering the designation of a standard east alternate to this segment of Victor 13. This would improve air traffic service in the Duluth terminal area by providing means of reducing the requirement for off-course climb-out and low altitude restrictions in the separation of traffic operating between Grantsburg and Duluth.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Pocedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docke', 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1506; Filed Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-79]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 18 includes a south alternate airway extending from Allendale, S.C., to Charleston, S.C., via the intersection of the Allendale 117° and the Charleston 262° True radials. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this south alternate of Victor 18 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1507; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-85]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 152 north alternate is designated in part from Orlando, Fla., to Daytona Beach, Fla. The latest Federal Aviation Agency IFR peak day airway traffic survey for this airway segment shows no aircraft movements between Orlando and Daytona Beach. It would appear, therefore, that this airway segment is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency is considering revoking the segment of Victor 152 north alternate between Orlando and Daytona Beach.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Ave. SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1508; Filed, Feb. 14, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-86]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering

an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 154 includes a north alternate airway extending from Lotts Intersection, Ga., to Savannah, Ga. The FAA's latest IFR peak day airway traffic survey shows no aircraft movements on this alternate airway. Therefore, it appears that the retention of this north alternate of Victor 154 is unjustified as an assignment of airspace. Accordingly, the FAA proposes its revocation.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1509; Filed, Feb. 14, 1964; 8:47 a.m.]

[14 CFR Parts 71 [New], 75 [New]]

[Airspace Docket No. 63-WE-64]

JET ROUTES AND REPORTING POINT

Proposed Alteration and Revocation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to Part 71 [New] and Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 6 is presently designated in part from the Hector, Calif., VORTAC via the Prescott, Ariz., VORTAC; the Grants, N. Mex., VOR; the Albuquerque, N. Mex., VORTAC; to the Amarillo, Tex., VORTAC. The FAA has under consideration the realignment of this segment of J-6 from the Hector VORTAC via the Needles, Calif., VORTAC; the Prescott VORTAC; the Winslow, Ariz., VORTAC; the Albuquerque VORTAC; the Tucumcari, N. Mex., VOR; to the Amarillo VORTAC.

Jet Route No. 78 is presently designated in part from the Prescott VORTAC via the Albuquerque VORTAC to the Amarillo VORTAC. The FAA has under consideration the alteration of this segment of J-78 from the Prescott VORTAC via the Winslow VORTAC; the Albuquerque VORTAC; the Tucumcari VOR; to the Amarillo VORTAC.

Such action would provide more precise navigational guidance on J-6 and J-78 and would permit the use of flight levels 240 to 270, inclusive, between Prescott and Albuquerque. These flight levels are not usable presently due to lack of continuous navigational signal coverage.

There would be no requirement for the designation of the Needles VORTAC, the Winslow VORTAC, or the Tucumcari VOR as compulsory reporting points. Additionally, the Prescott VORTAC would be revoked as a compulsory reporting point on J-6 and J-78.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 6, 1964.

D. E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-1510; Filed, Feb. 14, 1964; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Doc. No. 1964]

AIRWORTHINESS DIRECTIVE

Lycoming VO-540 Series Engines

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lycoming Model VO-540 Series engines. In the notice of proposed rule making published in 28 F.R. 10361, regulatory docket No. 1964, it was proposed to require replacement of the connecting rod bolt P/N 71087 and modification of the connecting rod P/N 71947 in certain Lycoming Model VO-540 Series engines. Subsequent to issuance of the proposal, new failure data received by the Agency revealed that the connecting rods are also failing in the forked section at the crankshaft end of the rod. Therefore, the original proposal is hereby withdrawn and a new airworthiness directive is being proposed which includes inspection prior to modification of the connecting rods.

A comment received on the initial proposed rule making questioned why a compliance time of 600 hours was permitted since bolt failures had occurred on engines with less than 600 hours' time in service. The low time failures of the bolts have been attributed to quality items which have since been eliminated and the time of compliance as originally proposed is considered satisfactory.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before March 16, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Pt. 507), by adding the following airworthiness directive:

LYCOMING. Applies to VO–540 Series engines with Serial Numbers 101–43 through 724–43, 727–43 through 743–43, 747–43 and 753–43, except remanufactured engines shipped from Lycoming after October 29, 1962.

Compliance required as indicated.

To preclude the possibility of connecting rod P/N 71947 failure, the inspection and modification set forth in paragraph (c) shall be accomplished at the times specified in paragraphs (a) and (b).

(a) On engines which, as of the effective date of this AD, have less than 550 hours' time in service since new or since overhaul, compliance with (c) is required at 600 hours' time in service.

(b) On engines which, as of the effective date of this AD, have 550 or more hours' time in service since new or since overhaul, compliance with (c) is required within the next 50 hours' time in service after the effective date of this AD.

(c) The following shall be accomplished in accordance with the instructions contained in the latest revision of Lycoming Service Bulletin No. 296.

(1) Inspect each connecting rod P/N 71947 for galling on the surface facing the bearing insert.

(2) If there is any evidence of galling, the entire rod assembly shall be replaced.

(3) If there is no evidence of galling, modify the connecting rod P/N 71947 and replace connecting rod bolt P/N 71087 with new stretch bolt P/N 74033 and nut P/N 72796.

Issued in Washington, D.C. on February 7, 1964.

W. H. WEEKS,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–1511; Filed, Feb. 14, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 15329; FCC 64–98]

USE OF AUTOMATIC RELAY STATIONS WITH REMOTE PICKUP BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 74, Subpart D of the Commission rules and regulations to provide for the use of automatic relay stations with remote pickup broadcast stations; Docket No. 15329, RM–323.

1. When using remote broadcast pickup transmitters for on-the-spot coverage of news events or other broadcast programs, broadcasters often find that the portable or mobile transmitters must operate from unfavorable transmitting locations. The use of other remote pickup broadcast stations to relay the signals is sometimes employed. However, under our present rules, such relay stations must be attended by a qualified operator when being used for this purpose. On April 2, 1962, New Mexico Broadcasting Company, Inc., licensee of Station KGGM, Albuquerque, New Mexico, filed a petition to amend the remote pickup broadcast rules so that automatic, unattended relay stations could be authorized.

2. While we have recognized the need for automatic relay stations in the remote pickup service, we have been concerned about the hazard of harmful interference to other remote pickup stations. Individual broadcasters are not granted exclusive frequency assignments for remote pickup operation and when the use of a particular frequency is contemplated, the operator in charge of the remote pickup unit is expected to monitor the frequency on which operation is to be conducted before turning the transmitter on to be sure that it is not in use by some other broadcaster. This concern over inadvertent interruption of a program in progress is warranted because "live" broadcast material which is lost due to interference is often unrecoverable. An unattended, automatic relay transmitter could be turned on by the signals of a remote pickup transmitter at some other location where the operator would not be aware that the frequency on which the relay transmitter operates, was in use.

3. In an effort to overcome this drawback, we have held discussions with various broadcasters and have come up with a possible solution to the problem. It involves the use of a "lock-out" device which will not permit the automatic relay transmitter to be turned on if there is another signal on the frequency used by the relay transmitter. In simple terms, a receiver located at the site of the automatic relay transmitter would be connected to the transmitting antenna and tuned to the frequency on which the automatic relay transmitter operates. If it detected another signal on the frequency it would actuate a holding device that would prevent the automatic relay transmitter from being turned on. Of course, the system would be designed so that the relay transmitters own signals would not actuate the holding device.

4. If such a technique is feasible, it removes one of the major objections to automatic relay operation. We realize that the system may not be absolutely fool-proof but it would reduce the hazard of interference to manageable proportions. That leaves only the problem of designing the automatic relay station so that it will not be actuated by signals of other licensees. In recent years, a number of selective calling systems have been developed which could be used to prevent the transmitter from being turned on accidentally.

5. Some frequencies for remote pickup operation are likely to be in relatively short supply in many parts of the country and we have been concerned somewhat with the fact that at least two frequencies are required for automatic relay operation. One is used by the remote pickup base or mobile station originating the transmission and the other is needed by the automatic relay station to relay the transmission. The lower remote pickup frequencies are quite heavily loaded and some are shared with other services. Therefore, we believe that automatic relay station operation should be confined to the less heavily loaded 450–451 Mc/s and 455–456 Mc/s bands.

6. In the light of the foregoing, we find that there is sufficient merit in the proposal to warrant the initiation of rule making. The necessary amendments to the rules are proposed below.

7. Accordingly, it is proposed to amend Part 74 of the Commission rules as set forth below. Pursuant to applicable procedures set out in § 1.415 of Commission rules, interested parties may submit comments on or before March 20, 1964, and replies to such comments on or before March 30, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. Authority for the adoption of the rules proposed herein is contained in sections 4(i) and 303 (a), (b), (c), (e), and (r) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: February 5, 1964.

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. It is proposed to amend § 74.401 by inserting the following new definition in the appropriate alphabetical sequence:

§ 74.401 Definitions.

* * * * *

Automatic mobile relay station. A remote pickup broadcast base designed to be actuated automatically and operated for the purpose of relaying mobile communications of a common licensee.

* * * * *

2. It is proposed to amend § 74.431 by adding the following new paragraph (i):

§ 74.431 Permissible service.

* * * * *

(i) Remote pickup broadcast base stations authorized to operate as automatic mobile relay stations may be used to relay any authorized transmissions of other remote pickup base and mobile stations operated by the same licensee. The relay may be made either directly to the intended destination or via other attended base and mobile stations.

3. It is proposed to amend § 74.432(d) by adding the following new subparagraph (5):

[1] Commissioner Loevinger absent.

§ 74.432 Licensing requirements.

* * * * *

(d) * * *

(5) Base stations may be authorized at suitable locations to operate as automatic relay stations. Such operation will be authorized only on frequencies in Group N of § 74.402(a). A single licensee may be authorized to use more than one automatic mobile relay station. However, each licensee will be limited to the use of a single frequency in Group N. The priorities of § 74.403(b) apply to the operation of automatic mobile relay stations. Base stations operated as automatic mobile relay stations shall comply with the requirements of § 74.438.

4. It is proposed to add a new § 74.438 to read as follows:

§ 74.438 Special requirements for automatic relay stations.

An automatic relay station installation shall include a Monitor Receiver, a Control Unit, and one or more Relay Receivers.

(a) Monitor Receiver: A receiver tuned to the frequency assigned to the automatic relay station and connected to the transmitting antenna used by the automatic relay station shall be in operation at the automatic relay station site at all times when the relay transmitter is capable of being turned on automatically. The Monitor Receiver shall comply with the following requirements:

(1) The receiver shall be equipped with a control circuit which will prevent the relay transmitter from being turned on automatically whenever a signal other than the signal of the relay transmitter is being received.

(2) The sensitivity of the Monitor Receiver shall be such that a signal of 2 microvolts or more across the antenna input terminals will actuate the "lock-out" control which prevents the transmitter from being turned on automatically.

(3) The "lock-out" control shall be so designed that if the Monitor Receiver is inoperative the relay transmitter cannot be turned on automatically.

(b) Control Unit: The Control Unit may be an integral part of the Relay Receiver or may be a separate unit into which the output of one or more Relay Receivers is fed. The Control Unit shall meet the following requirements:

(1) The Control Unit shall be so designed that it will turn the relay transmitter on only upon receipt of a predetermined coded signal consisting of at least two tones which may be transmitted either simultaneously or sequentially, or a series of at least three dissimilar pulse combinations transmitted sequentially.

(2) The Control Unit shall be capable of turning the transmitter off upon receipt of an appropriate signal. The complexity of the signal used to turn off the relay transmitter is left to the discretion of the licensee.

(3) The Control Unit shall also be designed so that the absence of a signal from the Relay Receiver either due to cessation of operation of the station being relayed or failure of the Relay Receiver or Control Unit, will automatically place the relay transmitter in an inoperative condition. A suitable time-delay factor may be incorporated to prevent actuation of the automatic cut-off due to momentary failures of the incoming signals.

(c) *Relay Receiver:* One or more receivers tuned to frequencies used by the stations which are to be relayed by the automatic relay station, may be installed at the automatic relay station site. The receivers shall be installed so that they will turn the relay transmitter on and off only through the Control Unit. The choice of receivers and receiving antennas is left to the discretion of the licensee.

(d) The automatic relay station may accomplish the retransmission of the incoming signals by simple heterodyne frequency conversion or by modulating the transmitter with aural signals obtained by demodulation of the incoming signal. If the relay transmitter is to be modulated with such aural signals the transmitter or the receiver or both shall be equipped with automatic controls which will prevent overmodulation of the relay transmitter.

(e) The transmitting apparatus and control equipment shall be adequately protected against tampering by unauthorized persons.

(f) An application for authority to construct an automatic relay station shall include a satisfactory showing as to the manner of compliance with the requirements of this section.

5. It is proposed to amend § 74.464 by adding a new paragraph (a)(3) to read as follows:

§ 74.464 Station and operator licenses; posting of.

(a) * * *

(3) If the station is authorized to operate as an automatic relay station and is operated at an unattended site, the call sign and location of the associated broadcast station together with the legend "Automatic Relay Station" shall be displayed at the relay transmitter site on the transmitter housing or antenna supporting structure so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee. The original of the station license and any other instrument of authorization or individual order, shall be kept in the files of the associated broadcast station so as to be available for inspection upon request of any authorized representative of the Commission.

* * * * *

6. It is proposed to amend § 74.465(b) to read as follows:

§ 74.465 Operator requirements.

* * * * *

(b) Automatic relay stations authorized pursuant to the provisions of § 74.432(d)(5) may be operated unattended. The licensee shall provide for periodic inspection and testing of the equipment to insure proper operation. In cases where a remote pickup broadcast mobile station is taken to the scene of an event to be broadcast and the operator-reporter wishes to leave the location of the transmitter in order to move about freely at the scene with a hand-carried or pack-carried transmitter in order to conduct interviews, obtain a better vantage point to view the scene or otherwise more effectively cover the event, the mobile station may be operated as a temporarily unattended automatic relay station subject to the following conditions:

(1) The input power to the plate of the final radio frequency amplifier of the hand-carried or pack-carried transmitter shall not exceed 1 watt.

(2) The unattended transmitter shall be so equipped that it will be activated by the carrier of the hand-carried or pack-carried transmitter and will transmit only when relaying the transmissions of the hand-carried or pack-carried transmitter or when relaying the transmissions of an associated base station operating on the same frequency as the hand-carried or pack-carried transmitter and directed to the operator-reporter at the scene of the event.

(3) Unless the operator-reporter is equipped to monitor continuously the frequency on which the unattended transmitter operates, while moving about at the scene of the event, he shall observe the frequency before leaving the location of the mobile transmitter to ascertain whether it is in use so as to avoid interference to other users.

7. It is proposed to amend § 74.482 to read as follows:

§ 74.482 Station identification.

(a) Except for stations licensed pursuant to the provisions of § 74.437, each remote pickup broadcast base and mobile station will be assigned an individual call sign. This call sign shall be transmitted over the transmitter to which it is assigned, at the beginning and end of each period of operation. A period of operation may consist of a single continuous transmission or a series of intermittent transmissions related to the broadcast of a single event.

(b) In cases where a period of operation is of more than one hour duration, identification of the remote pickup stations participating in the operation shall be accomplished either by the transmission of the call signs assigned to the individual transmitters or identification of the associated broadcast station.

(c) In cases where an automatic relay station is a part of the circuit, the call sign of the relay transmitter may be transmitted automatically by the relay transmitter or by the remote pickup broadcast or mobile station that actuates the automatic relay station.

[F.R. Doc. 64-1550; Filed, Feb. 14, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-256]

ELECTRIC UTILITIES AND NATURAL GAS COMPANIES

Annual Reporting of Research and Development Activities

FEBRUARY 11, 1964

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that it is proposed to amend, effective for the reporting year 1963, the Commission's Annual Report Form No. 1, prescribed by § 141.1 for use by public utilities and licensees, and Annual Report Form No. 2, prescribed by § 260.1 for use by natural gas companies.

2. Each report form would be amended by the addition of a new schedule, appended hereto,[1] entitled "Research and Development Activities" relating respectively to electric utility and natural gas research and development performed by the reporting company or in conjunction with others. In the event such schedules are prescribed, §§ 141.1(d) and 260.1(c) would be amended to include in the lists of schedules those paragraphs containing the titles of the new schedules.

3. The schedules are designed primarily to obtain information as to the general nature of research projects rather than merely aggregate research expenditures and the accounting therefor. The Commission believes that such information, while still maintained in a form which should avoid unnecessary public disclosure of business secrets, should substantially enhance its ability to stay abreast of developments in the two important industries over which Congress has given it regulatory responsibility.

4. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before March 16, 1964, data, views and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine (9) copies of any such submittals should be filed.

5. These amendments to the Commission's annual report forms are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 304, 309 and 311 thereof (49 Stat. 855, 858, 859; 116 U.S.C. 825c, 825h, 825j) and the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o).

[1] Filed as part of the original document.

6. In consideration of the foregoing, it is proposed to amend the Commission's Annual Report FPC Form No. 1 and FPC Form No. 2, prescribed, respectively, by § 141.1 and § 260.1, Chapter I of Title 18 of the Code of Federal Regulations, by adding to each a new schedule entitled "Research and Development Activities". The two schedules proposed to be added are appended hereto,[1] marked Appendix A and Appendix B, respectively.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1521; Filed, Feb. 14, 1964; 8:47 a.m.]

[18 CFR Part 260]

[Docket No. R-257]

NATURAL GAS COMPANIES

Emergency Planning; Annual Reports of System Flow Diagrams

FEBRUARY 12, 1964.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to require the annual filing by natural gas pipeline companies of system flow diagrams reflecting the maximum daily deliveries of which a company's transportation facilities would be capable of achieving under the most favorable conditions.

2. On November 27, 1963, the Commission following formal rulemaking proceedings in Docket No. R-247, issued its Order No. 274 (28 F.R. 12866), amending our rules with respect to certain defense-related plans or activities of the natural gas industry believed to be required by our defense emergency planning role pursuant to the provisions of Executive Order 11095. The present proposal is a further development of such planning and, like the earlier effort, stems from discussions held in the Emergency Advisory Committee for Natural Gas established by the Department of the Interior pursuant to its responsibilities under the Executive Order.

3. Since natural gas provides approximately one-third of the nation's energy requirement, information with respect to the location and capacity of the facilities used in its transportation is of vital significance to the defense-planning program. The amendment here being proposed would provide a method to obtain the needed information.

4. Any interested person may submit to the Federal Power Commission on or before March 24, 1964, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before taking any action upon the proposed amendments. An original and nine copies of any such submittals should be filed.

5. This amendment to the Commission's Regulations is proposed to be issued pursuant to section 16 of the Natural Gas Act, as amended (52 Stat. 830; 15 U.S.C. 717o), and in furtherance of the objectives of Executive Order 11095.

6. For the reasons set forth above, it is proposed to amend Part 260, Statements and Reports, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 260.8 to read as follows:

§ 260.8 System flow diagrams.

(a) Each Class A and Class B natural gas pipeline company shall file with the Commision on or before February 1 of each year twelve (12) copies of a system flow diagram reflecting the maximum daily deliveries of which the company's facilities in existence on December 31 of the prior year would be capable of achieving under the most favorable conditions.

(b) The diagram shall show:

(1) Diameter, wall thickness and length of pipe installed.

(2) Size, type and number of installed compressor units, horsepower utilized, volume of gas used as fuel suction and discharge pressures, compression ratio and volumes compressed.

(3) Pressure and volumes of gas at the mainline inlet and outlet connections at each compressor station.

(4) Pressure and volumes of gas at each intake and takeoff point.

(c) The diagram shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and setting forth:

(1) Assumptions, bases, formulae, and methods used in development and preparation of the diagrams and accompanying data.

(2) A description of the pipe and fittings installed specifying the diameter, wall thickness, yield point, ultimate tensile strength and method of fabrication.

(3) Where lines are looped, the length and size of the pipe in each loop.

(4) Type, capacity (seasonal and daily) and location of each natural gas storage field or facility, and of each dehydration, desulphurization, natural gas liquefaction, hydrocarbon extraction or other similar plant or facility directly attached to the applicant's system, indicating which of such plants are owned or operated by applicant and which by others, giving their names and addresses.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1533; Filed, Feb. 14, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

SEABOARD CITIZENS NATIONAL BANK OF NORFOLK AND FARMERS BANK OF HOLLAND, INC.

Decision Granting Application To Merge

On November 27, 1963, the $90 million Seaboard Citizens National Bank of Norfolk, Norfolk, Virginia, and the $2.5 million Farmers Bank of Holland, Incorporated, Holland, Virginia, applied to the Comptroller of the Currency for permission to merge under the charter and title of the former.

On January 24, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64–1572; Filed, Feb. 14, 1964; 8:52 a.m.]

WESTERN PENNSYLVANIA NATIONAL BANK AND BEAVER COUNTY TRUST CO.

Decision Granting Application To Consolidate

On November 26, 1963, the $556.7 million Western Pennsylvania National Bank, McKeesport, Pennsylvania, and the $8.6 million Beaver County Trust Company, New Brighton, Pennsylvania, applied to the Comptroller of the Currency for permission to consolidate under the charter and title of the former.

On January 24, 1964, the Comptroller of the Currency granted this application.

Copies of this decision are available on request to the Comptroller of the Currency, Washington 25, D.C.

Dated: February 12, 1964.

[SEAL] A. J. FAULSTICH,
Administrative Assistant to the Comptroller of the Currency.

[F.R. Doc. 64–1573; Filed, Feb. 14, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

WASHAKIE PUBLIC DOMAIN ALLOTMENTS AND YAKIMA INDIAN RESERVATION

Transfer of Land Records to Portland Area Office

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to the Washakie Public Domain Allotments in the State of Utah, and to trust or restricted Indian-owned land on the Yakima Indian Reservation, have been transferred from the City of Washington, D.C., to the Portland Area Office, Bureau of Indian Affairs, 1002 NE. Holliday Street, Portland, Oregon.

Effective February 10, 1964, the Portland Area Office will be the office for the maintenance of records for all such trust and restricted lands.

JOHN O. CROW,
Deputy Commissioner.

FEBRUARY 11, 1964.

[F.R. Doc. 64–1530; Filed, Feb. 14, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH APPLES

Notice of Purchase Program EMP 32a

In order to encourage the domestic consumption of apples by diverting them from the normal channels of trade and commerce in accordance with Section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture will purchase fresh apples of the 1963 crop, grown in the United States. Although the program is not restricted to any one State, it is expected that purchases will center principally in Washington State where the industry is experiencing the most difficulty in marketing its record crop of last fall.

The Agricultural Marketing Service will distribute the apples for use in school lunch programs and other eligible outlets. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh apples are contained in Announcement FV–346 issued by the Department on February 7, 1964. The amount to be purchased will depend upon quantities and prices offered and the ability of outlets to use the applies without waste.

Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: February 12, 1964.

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

[F.R. Doc. 64–1571; Filed, Feb. 14, 1964; 8:52 a.m.]

ASSOCIATE ADMINISTRATOR ET AL.

Delegation of Authority

Pursuant to authority (28 F.R. 11647) delegated to the Administrator of the Agricultural Marketing Service, the Associate Administrator and the Deputy Administrators of the Agricultural Marketing Service are hereby delegated authority to make the determinations as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and which are considered confidential under such Act or the regulations of the Department.

No delegation made herein shall preclude the Administrator of the Agricultural Marketing Service from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Administrator.

Done at Washington, D.C., this 12th day of February 1964.

S. R. SMITH,
Administrator.

[F.R. Doc. 64–1536; Filed, Feb. 14, 1964; 8:48 a.m.]

Office of the Secretary

OKLAHOMA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Craig County, Oklahoma, a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64–1538; Filed, Feb. 14, 1964; 8:49 a.m.]

PENNSYLVANIA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Con-

solidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Pennsylvania natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Bucks.	Delaware.
Cameron.	Luzerne.
Crawford.	Montgomery.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of February 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-1539; Filed, Feb. 14, 1964; 8:49 a.m.]

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in Reeves County, Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1964, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of February 1964.

ORVILLE L. FREEMAN,
Secretary

[F.R. Doc. 64-1540; Filed, Feb. 14, 1964; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from October 16, 1963 to January 15, 1964, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1963, published on July 2, 1963 in 28 F.R. 6792, as amended by two lists, one of license actions taken from April 16, 1963 through July 15, 1963, published on August 7, 1963 in 28 F.R. 8050, and one of license actions taken from July 16, 1963 through October 15, 1963, published on November 14, 1963 in 28 F.R. 12141.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Pioneer Blood Service, Inc., Brooklyn, N.Y.	278	12- 3-63
Fairfax Hospital Blood Bank, Falls Church, Va.	365	12- 4-63
Southwest Blood Banks, Inc., Scottsdale, Ariz.	183	12-18-63
Scott County Medical Society Blood Bank, Inc., Davenport, Iowa	366	1-10-64

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Reagent Red Blood Cells (Human)	Philadelphia Serum Exchange	139	[1] 9-17-63
Radio-Iodinated (I^{125}) Serum Albumin (Human).	Nuclear Consultants Corp	281	11- 8-63
Radio-Iodinated (I^{131}) Serum Albumin (Human).	E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories.	52	11-13-63
Single Donor Plasma (Human)	Metro Blood Service, Inc.	352	11-26-63
Single Donor Plasma (Human)	Western Pennsylvania Blood Center, Inc.	276	11-29-63
Citrated Whole Blood (Human)	Fairfax Hospital Blood Bank	365	12 -4-63
Fibrinogen with Anthihemophilic Factor (Human).	Merck Sharp & Dohme, division of Merck & Co., Inc.	2	12-18-63
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Aluminum Phosphate Adsorbed and Poliomyelitis Vaccine.	Parke, Davis and Co.	1	12-20-63
Anti-Rh Typing Serum, Anti-rh′ (Anti-C)	National Bio Serums, Inc.	349	12-27-63
Single Donor Plasma (Human)	University of Cincinnati Blood Transfusion Service.	235	1- 8-64
Heparinized Whole Blood (Human)	Dallas Blood Bank	353	1- 8-64
Packed Red Blood Cells (Human)	do		
Packed Red Blood Cells (Human)	Blood Bank, N.C., Memorial Hospital, University of North Carolina.	314	1- 9-64
Citrated Whole Blood (Human)	Scott County Medical Society Blood Bank, Inc.	366	1-10-64
Single Donor Plasma (Human)	do		

[1] Omitted from 28 F.R. 12141.

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Brooklyn Donor Center, Inc., Brooklyn, N.Y.	278	12- 3-63
Southwest Blood Banks, Inc., Phoenix, Ariz.	183	12-18-63

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Anti-Rh Typing Serum, Anti-Rho′ (Anti-CD)	Bureau of Laboratories, New York City Department of Health.	14	11-13-63
Diphtheria Toxoid Aluminum Phosphate Adsorbed.	do		
Normal Horse Serum	do		
Tetanus Antitoxin	do		
Tetanus Toxoid	do		
Anti-A Blood Grouping Serum	Blood Bank of the Alameda Contra Costa Medical Association.	191	11-13-63
Anti-B Blood Grouping Serum	do		
Bacterial Antigen with Antihistaminic	Merck Sharp & Dohme, division of Merck & Co., Inc.	2	1- 9-64

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 64-1547; Filed, Feb. 14, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15334]

JERRY STEPHEN AUTRY

Order To Show Cause

In the matter of Jerry Stephen Autry, Atlanta, Georgia, Docket No. 15334; order to show cause why there should not be revoked the license for Radio Station 6W1592 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated November 22, 1963, alleging violation of §§ 19.36(a), 19.61 (a) and (f), and 19.62 (now §§ 95.51(a), 95.81 (a) and (f), and 95.87) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 9, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order;

And it is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 1055 Rosehaven Terrace, Atlanta 10, Georgia.

Released: February 12, 1964.

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

[F.R. Doc. 64-1553; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15332]

RICHARD B. ELLWOOD

Order To Show Cause

In the matter of Richard B. Ellwood, Garden Grove, California, Docket No. 15332; order to show cause why there should not be revoked the license for Radio Station KFA-9030 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of a Citizens (Class D) radio station licensed to Richard B. Ellwood, authorized from May 10, 1963, to November 29, 1963, under the call sign KFA-2742 and after November 29, 1963, under the call sign KFA-9030;

It appearing, that, on September 12, 1963, October 6 and 12, 1963, and December 1 and 21, 1963, the licensee's Citizens radio station was operated with excessive frequency deviation, in violation of § 95.45 (formerly § 19.33) of the Commission's rules; and

It further appearing, that, on September 18, 1963, October 6, 23, and 27, 1963, and November 10, 1963, the licensee's Citizens radio station was used to communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 95.81(a) (formerly § 19.61(a)) of the Commission's rules; and

It further appearing, that, on September 18, 1963, and October 6, 1963, the licensee's Citizens radio station, while engaged in communication with units of other Citizens radio stations, participated in the exchange of communications which exceeded five consecutive minutes in violation of § 95.81(f) (formerly § 19.61(f)) of the Commission's rules; and

It further appearing, that, on September 18, 1963, and October 6, 23, and 27, 1963, the licensee's Citizens radio station was operated without transmitting its authorized call sign at the beginning and end of communications, in violation of § 95.87 (formerly § 19.62) of the Commission's rules; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated §§ 95.45, 95.81(a), and 95.81(f) and 95.87 of the Commission's rules; and

It further appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notices of violation, dated September 13 and 27, 1963, and October 7, 1963, requiring explanatory responses, were served upon the licensee at his address of record, but that no responses were made thereto by the licensee; and

It further appearing, that, in view of the foregoing failures to reply, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the foregoing violations of § 95.45 of the Commission's rules and the related facts create apparent liability by the licensee to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subjects the license of the above-captioned radio station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 10th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the said licensee at his last known address of 12726 Buaro Avenue, Apartment A, Garden Grove, California.

Released: February 12, 1964.

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

[F.R. Doc. 64-1555; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15268]

DONALD M. GODDARD

Order To Show Cause

In the matter of Donald M. Goddard, Fullerton, California, Docket No. 15268, order to show cause why there should not be revoked the license for Radio Station 11W8599 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation mailed on June 5, 1963, alleging violation of § 19.33 of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to follow-up letters dated August 7 and October 1, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the lincensee has repeatedly violated § 1.89 of the Commission's rules; and

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee at his last known address of 328 North Orchard, Fullerton, California.

Released: February 12, 1964.

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

[F.R. Doc. 64-1556; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15337]

H & H PROPERTY MAINTENANCE, INC.

Order To Show Cause

In the matter of H & H Property Maintenance, Inc., West Hollywood, Florida, Docket No. 15337, order to show cause why there should not be revoked the license for Radio Station KDI-2737 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 10, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 5, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to licensee at his last known address of 1009 S.W. 58th Avenue, West Hollywood, Florida.

Released: February 12, 1964.

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

[F.R. Doc. 64-1558; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15335]

ALBERT S. HOLT

Order To Show Cause

In the matter of Albert S. Holt, Compton, California, Docket No. 15335, order to show cause why there should not be revoked the license for Radio Station KEJ-3522 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated October 23, 1963, alleging violation of §§ 19.61(a) and 19.62 (now §§ 95.81(a) and 95.87) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 22, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail - Return Receipt Requested to licensee at his last known address of 407 West Magnolia Street, Compton 4, California.

Released: February 12, 1964.

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

[F.R. Doc. 64-1560; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15311]

THOMAS J. HUGHES

Order To Show Cause

In the matter of Thomas J. Hughes, Boston, Massachusetts, Docket No. 15311, order to show cause why there should not be revoked the license for Citizens Radio Station KDB-1335.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration certain alleged violations in the operation of Citizens radio station KDB-1335;

It appearing, that, on or about December 6, 1963, the licensee willfully transmitted, by means of the captioned radio station, communications containing obscene, indecent, or profane language, in violation of Title 18, United States Code, section 1464; and

It further appearing, that, on or about December 6, 1963, the licensee willfully used the captioned radio station for the transmission of communications to units of other Citizens radio stations which were not necessary for the exchange of substantive messages related to the business or personal affairs of the individuals concerned, in violation of § 95.81(a) of the Commission's rules; and

It further appearing, that, based on the usage made of the captioned radio station by the licensee on December 6, 1963, the Commission would be warranted in refusing to grant an application from this licensee for the same class of radio station license if the original application were now before it;

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(2), (4) and (6) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) of the Commission's rules, that the licensee show cause why the license for the captioned radio station should not be revoked and appear and give evidence with respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to the licensee at his last known address of 22 Darlington Street, Boston, Massachusetts.

Released: February 12, 1964.

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

[F.R. Doc. 64-1561; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15336]

EARL L. JOHNSON

Order To Show Cause

In the matter of Earl L. Johnson, Baltimore, Maryland, Docket No. 15336; order to show cause why there should not be revoked the license for Radio Station KCG-0478 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: "Official Notice of Violation dated October 29, 1963, alleging violation of § 19.33 (now § 95.45) of the Commission's rules."

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated November 25, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of $100 under section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued:

It is ordered, This 11th day of February 1964, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order:

And it is further ordered, That the Secretary send a copy of this order by certified mail—return receipt requested to licensee at his last known address of 511 Cherry Hill Road, Baltimore, Maryland, 21225.

Released: February 12, 1964.

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

[F.R. Doc. 64-1563; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15333]

HENRY QUINN ET AL.

Show Cause Order

In the matter of cease and desist order to be directed to Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., 209 Broad Street, Edenton, North Carolina; Docket No. 15333.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. sec. 312), §§ 0.111(f) and 0.311(a)(4) of the rules of the Federal Communications Commission (28 F.R. 12397, 12406) to Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., 209 Broad Street, Edenton, North Carolina, hereinafter referred to as Community Publishing, to cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission;

It appearing, that Community Publishing operates in its plant at 209 Broad Street, Edenton, North Carolina certain industrial heating equipment which utilizes a radio frequency generator or generators and transmits radio frequency energy on frequencies allocated for use by authorized radio services, and

It further appearing, that said industrial heating equipment is subject to the provisions of Part 18 of the Commission's rules (28 F.R. 12533 et seq.); and

It further appearing, that the above facts have been called to the attention of Community Publishing by the Commission, both orally and in writing, and that Community Publishing has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished.

It is ordered, This 7th day of February 1964, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. sec. 312), and §§ 0.111(f) and 0.311(a)(4) of the rules of the Federal Communications Commission (28 F.R. 12397, 12406) that Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., show cause why there should not be issued an order commanding them to cease and desist from operating industrial heating equipment in violation of the provisions of Part 18 of the Commission's rules. That is: the said Henry Quinn and C. O. Tysor d/b/a Community Publishing Co., their agents, employees, privies, assigns, successors in interest, or other parties acting in concert with them shall cease and desist from operating industrial heating equipment without a proper license or certificate as required by Part 18 of the rules of this Commission;

And it is further ordered, That a hearing in this matter be held before a Commission hearing examiner and at a time and place to be designated by subsequent order but in no event less than 30 days from the receipt of this order to determine whether said cease and desist order should be issued, and that Community Publishing is herewith called upon to appear at this hearing and give evidence upon the matters specified herein:

And it is further ordered, Pursuant to § 1.91 of the rules, that Community Publishing is directed to file with the Commission within 30 days of receipt of this Order a written appearance in triplicate, stating that Community Publishing will appear and present evidence on the matters specified in this Order. If Community Publishing does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this Order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Community Publishing believes that a cease and desist Order should not issue:

And it is further ordered, That failure of said Community Publishing timely to respond to this Order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing:

And it is furthered ordered, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to Community Publishing Company at 209 Broad Street, Edenton, North Carolina.

Released: February 10, 1964.

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

[F.R. Doc. 64-1554; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket Nos. 15299, 15300]

ROBERT L. GREAIGE ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert L. Greaige and Roderick C. Maxson d/b as Great Northern Broadcasting System, Traverse City, Michigan, Requests: 101.9 mc, #270; 100 kw; 483.75 ft., Docket No. 15299, File No. BPH-3982; Midwestern Broadcasting Company, Traverse City, Michigan, Requests: 101.9 mc, #270; 38.2 kw; 715 ft., Docket No. 15300; File No. BPH-4079; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on February 10, 1964;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to con-

struct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed stations and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the FM broadcast station as proposed.

(b) The proposals of each with respect to the management and operation of the FM broacast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: February 12, 1964.

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

[F.R. Doc. 64-1557; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket No. 15317; FCC 64M-112]

CHARLES L. HAMILTON, SR., AND MILDRED B. HAMILTON (KBAB)

Order Scheduling Hearing

In re application of Charles L. Hamilton, Sr., and Mildred B. Hamilton (KBAB), Indianola, Iowa, Docket No. 15317, File No. BMP-10047, for construction permit.

It is ordered, This 10th day of February 1964, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 31, 1964, in Washington, D.C. *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 2, 1964.

Released: February 11, 1964.

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

[F.R. Doc. 64-1559; Filed, Feb. 14, 1964; 8:50 a.m.]

[Docket Nos. 15323-15325; FCC 64-96]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS, ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT-3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT-3277; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 44, Boston, Massachusetts; and

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) United Artists Broadcasting, Inc., a new corporation, is a wholly-owned subsidiary of, and is completely controlled by, United Artists Corporation, a distributor of motion picture films. United Artists Corporation has been involved in numerous antitrust actions, including a major civil antitrust suit brought by the United States in which United Artists Corporation was adjudged to be in violation of laws of the United States. Notwithstanding the fact that the applicant herein did not exist at the time of the above-mentioned violation, under the circumstances here presented the Commission must look behind the corporate veil of United Artists Broadcasting, Inc., and notice the character of the parent corporation (Mansfield Journal Co. v. Federal Communications Commission, 180 F. 2d, at page 37). Pursuant to its policy as expressed in its "Report on Uniform Policy as to Violation by Applicants of Laws of United States: (Docket No. 9572, 1 RR [Part Three] Page 91:495-503, April, 1951), the Commission must determine, in the light of the past history of the parent corporation, whether the applicant has the requisite qualifications to be a broadcast licensee.

(b) United Artists Corporation is a publicly-owned corporation having approximately 7,000 stockholders representing ownership of 1,803,542 shares of voting stock. The applicant states that it has determined, by means of a sample survey, that less than 25 percent of its outstanding stock is owned by persons not citizens of the United States. Since the basis for this conclusion has not been adequately disclosed, it cannot be determined that the said survey is statistically valid. An issue is necessary, therefore, to determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

(c) It appears that a significant portion of the voting stock of United Artists Corporation is owned by holding companies, nominees, or others for and on behalf of persons unknown. Under these circumstances, it is not possible to determine whether, as stockholders, such nominal or beneficial owners have broadcast interests which, considered in connection with the application of United Artists Broadcasting, Inc., would be inconsistent with the multiple ownership provisions of the Commission's rules. It must be determined, therefore, whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

(d) Integrated Communication Systems, Inc., owns 73.5 percent of the issued stock of the applicant, Integrated Communication Systems, Inc. of Massachusetts, but no information has been furnished as to the nature of the business of the parent corporation. It cannot be determined, therefore, what effect, if any, such business may have on the ability of the applicant to construct, own and operate a television broadcast station in the public interest.

(e) The application of Integrated Communication Systems, Inc. of Massachusetts shows that Meyer Gasner is the owner of 3 percent of the stock of the applicant corporation, but no information has been furnished as to his citizenship, business, or broadcast interests, if any. An issue to elicit such information will, accordingly, be specified.

(f) Based on the information contained in the application of Integrated Communication Systems, Inc., of Massachusetts, cash in the amount of approximately $218,000 will be required for the construction and initial operation of the proposed station. The applicant's plan

of financing calls for the use of existing capital of approximately $5,000 and loans from eight stockholders, totalling $219,000. The applicant, however, appears to have available to it existing capital of approximately $2,200 and loans totalling $144,000 from six stockholders who appear to be financially qualified to meet their commitments. Stockholders Meyer Gasner and Harold L. Turobiner have not shown current and liquid assets in excess of liabilities in sufficient amount to meet their commitments. It cannot be determined, therefore, that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue specified in connection herewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

(g) WGBH Educational Foundation proposes to locate its main studio at the same location as the present studios of Television Broadcast Station WGH–TV, which are located outside the corporate limits of the City of Boston. It must be determined, therefore, whether a grant of the application would be consistent with the provisions of § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(h) Based on the information contained in the application of WGBH Educational Foundation, cash in the amount of approximately $270,000 will be required for the construction and initial operation of the proposed station. The applicant's plan for financing calls for the use of existing capital of $95,000, donations of $42,000 and a Federal grant of $133,000 from the Department of Health, Education, and Welfare. It appears, however, that the applicant has not received approval by the Department of Health, Education, and Welfare for a Federal grant. It further appears that the applicant, having applied for a commercial channel, rather than for a channel reserved for noncommercial educational use, may not be eligible for a Federal grant under the applicable rules of the Department of Health, Education, and Welfare. It cannot be determined, therefore, that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue specified in connection herewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

It further appearing, that, except as indicated above, Integrated Communication Systems, Inc. of Massachusetts is legally, technically, and otherwise qualified to construct, own and operate the proposed television broadcast station; and that, except as indicated above, United Artists Broadcasting, Inc., is technically and financially qualified to construct, own and operate the proposed television broadcast station; and that, except as indicated above, WGBH Educational Foundation is legally, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; and

It further appearing, that WGBH Educational Foundation filed a petition for rule making (RM–356) on August 15, 1962, requesting the reservation of Channel 44 in Boston for noncommercial educational use, and on May 15, 1963, filed an informal objection pursuant to § 1.587 of the Commission's rules, requesting that action on the applications of Integrated Communication Systems, Inc., of Massachusetts and United Artists Broadcasting, Inc., be deferred pending determination by the Commission of the said rule making proceeding. Oppositions to the objection were filed by Integrated and United Artists and WGBH Educational Foundation filed a reply to the oppositions. On October 28, 1963, the Commission released a "Further Notice of Proposed Rule Making" in Docket No. 14229 (FCC 63–975) proposing a revised allocation plan of UHF channels which would add new assignments to the present Table of Assignments. This proposal contemplates, inter alia, the assignment of Channel *25 to Boston for noncommercial educational use and the retention of Channel 44 for commercial use. The Commission has stated, in its "Further Notice of Proposed Rule Making" in Docket No. 14229, that petitions for UHF assignments now pending (such as that filed by WGBH Educational Foundation in RM–356) will be treated as comments in that proceeding. On January 2, 1964, the three applicants herein filed a "Joint Statement" urging the addition of Channel 25 to Boston as a commercial channel, and the reservation of Channel 44 for noncommercial educational use. In view of the fact that the proposed rule making proceeding could result in the substitution of another UHF commercial channel in Boston in lieu of Channel 44, or otherwise operate to make Channel 44 unavailable for commercial use in Boston, the Commission is of the opinion that a grant of any of the instant applications must be made subject to the condition that the Commission may, without further proceedings, substitute for Channel 44 such other commercial channel as may be assigned to Boston, Massachusetts, instead of Channel 44, in the rule making proceeding proposed in Docket No. 14229. In view of the "Joint Statement" filed herein, it appears that WGBH's objection is now moot and will, accordingly, be denied.

It further appearing, that the applications of United Artists Broadcasting, Inc., for construction permits for new television broadcast stations in Houston, Texas, and Cleveland, Ohio, have previously been designated for hearing with mutually exclusive applications; that the question as to its basic qualifications to be a licensee is in issue in those proceedings as well as in the instant proceeding; that all of the parties to the three proceedings have previously indicated their acceptance of the procedure whereby the same Examiner will preside in all three proceedings; that it would be conducive to the efficient dispatch of the Commission's business for this common basic qualifications issue relative to United Artists Broadcasting, Inc., to be heard at one time with all of the parties to the three proceedings participating.

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Integrated Communication Systems, Inc. of Massachusetts, United Artists Broadcasting, Inc., and WGBH Educational Foundation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in the light of the past conduct of United Artists Corporation, whether United Artists Broadcasting, Inc., has the requisite qualifications to be a licensee of a television broadcast station.

2. To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of section 310(a)(5) of the Communications Act of 1934, as amended.

3. To determine whether a grant of the application of United Artists Broadcasting, Inc., would be consistent with the provisions of § 73.636 of the Commission's rules.

4. To determine the nature of the business of Integrated Communication Systems, Inc., and the effect, if any, which the said business may have on the ability of the applicant to construct, own and operate a television broadcast station in the public interest.

5. To determine, the citizenship, business, and broadcast interest, if any, of Meyer Gasner.

6. To determine whether Integrated Communication Systems, Inc. of Massachusetts is financially qualified to construct, own and operate the proposed television broadcast station.

7. To determine whether a grant of the application of WGBH Educational Foundation would be consistent with the provisions of § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

8. To determine whether WGBH Educational Foundation is financially qualified to construct, own and operate the proposed television broadcast station.

9. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, such grant shall be made subject to the condition that the Commission may, without further proceedings, specify operation by the permittee on such other commercial channel as may be assigned to Boston, Massachusetts, in lieu of Channel 44, in the Rule Making proceeding proposed in Docket No. 14229:

And it is further ordered, That the informal objection filed herein by WGBH Educational Foundation is denied as moot:

And it is further ordered, That, with respect to the common basic qualifications issue relative to United Artists Broadcasting, Inc., this issue is hereby consolidated to the extent that all of the parties are to participate in the presentation of evidence before the Hearing Examiner and that the evidence adduced under this consolidated issue is to be considered and evaluated in the Initial Decision to be issued in all three proceedings.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, upon his own motion or upon petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated."

It is further ordered, That, to avail themselves of the opportunity to be heard, Integrated Communication Systems, Inc., of Massachusetts, United Artists Broadcasting, Inc., and WGBH Educational Foundation, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 12, 1964.

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

[F.R. Doc. 64-1562; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket Nos. 15269, 15270; FCC 64M-116]

MEREDITH COLON JOHNSTON (WECP) AND WILLIAM HOWARD COLE (WHOC)

Order Regarding Procedural Dates

In re applications of Meredith Colon Johnston (WECP), Carthage, Mississippi, Docket No. 15269, File No. BP-15088; William Howard Cole (WHOC), Philadelphia, Mississippi, Docket No. 15270, File No. BP-15231; for construction permits.

Pursuant to agreements reached at a prehearing conference held on February 10, 1964: *It is ordered,* This 10th day of February 1964, that the following schedule of procedural steps shall be effected on the dates specified:

February 19, 1964, Johnston will notify other parties of station location coordinates.
March 19, 1964, Hearing will be held on issues 7 and 8.
April 1, 1964, Exchange of direct presentations addressed to issues 1 to 6.
April 15, 1964, Informal Engineering Conference.
April 22, 1964, Parties' direct presentations will not be altered after this date.
April 27, 1964, Hearing on issues 1 to 6.

Released: February 11, 1964.

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

[F.R. Doc. 64-1564; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket Nos. 15319, 15320; FCC 64M-114]

MARIETTA BROADCASTING CO., INC. (WBIE) AND COBB COUNTY BROADCASTING CO.

Order Scheduling Hearing

In re applications of Marietta Broadcasting Company, Inc. (WBIE), Marietta, Georgia, Docket No. 15319, File No. BP-15405; Sheridan W. Pruett and Charles M. Erhard, Jr., d/b as Cobb County Broadcasting Company, Marietta Georgia, Docket No. 15320, File No. BP-15443; for construction permits.

It is ordered, This 10th day of February 1964, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 6, 1964, in Washington, D.C. *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 2, 1964.

Released: February 11, 1964.

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

[F.R. Doc. 64-1565; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15318; FCC 64M-113]

MIDDLESEX BROADCASTING CO. (WCNX)

Order Scheduling Hearing

In re application of The Middlesex Broadcasting Company (WCNX), Middletown, Connecticut, Docket No. 15318, File No. BP-14055; for construction permit.

It is ordered, This 10th day of February 1964, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1964, in Washington, D.C. *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 9, 1964.

Released: February 11, 1964.

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

[F.R. Doc. 64-1566; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15321; FCC 64M-115]

PEPINO BROADCASTERS, INC.

Order Scheduling Hearing

In re application of Pepino Broadcasters, Inc., San Sebastian, Puerto Rico, Docket No. 15321, File No. BP-14253; for construction permit.

It is ordered, This 10th day of February 1964, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 2, 1964, in Washington, D.C. *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., March 12, 1964.

Released: February 11, 1964.

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

[F.R. Doc. 64-1567; Filed, Feb. 14, 1964; 8:51 a.m.]

[Docket No. 15135; FCC 64R-70]

RAUL SANTIAGO ROMAN

Memorandum Opinion and Order Amending Issues

In re application of Raul Santiago Roman, Vega Baja, Puerto Rico, Docket No. 15135, File No. BP-15145; for construction permit.

1. The Broadcast Bureau requests (1) that the issues in this proceeding be enlarged to include a determination as to whether the application filed in 1961 by the applicant herein, for permission to transfer control of Station WMNT, Manati, Puerto Rico, contained omissions of material facts; and (2) that the record be reopened so that evidence pertaining to the requested issue may be ad-

duced. The applicant (Roman) and respondent (Arecibo) raise no objections to the inclusion of the issue, but each seeks alternative methods by which the facts may be ascertained.[1]

2. Raul Santiago Roman and his wife Zaida Santos Rivera owned 50 percent of the stock in the licensee corporation of Station WMNT. On July 8 and 10, 1961, each respectively signed an application for transfer of control thereof to Efrain Archilla-Roig, Pedro Collazo-Barbosa, Luis G. Estades and Ernesto Archilla-Rivera;[2] the applications were filed with the Commission on July 24, 1961; and approval granted on August 11, 1961. During the course of the hearing herein, which took place on December 9 and 10, 1963, it appeared that the actual transfer occurred prior to August 11, 1961, although the exact date could not be determined because of the vagueness of the testimony of Roman and Archilla.

3. The Bureau urges that the substantial question as to whether the transfer was effectuated prior to the Commission consent in violation of section 310(b) of the Act would reflect upon Roman's qualifications as a broadcast licensee, and that the appropriate issue should be added. The Bureau points out that although the record contains some testimony which would be relevant to the requested issue, further evidence is essential in order that the matter may be fully explored through the hearing process and therefore asks that the record be reopened. As indicated previously, neither Arecibo nor Roman questions the need for the inclusion of an issue. Arecibo contends, however, that the information may readily be made available through stipulation and therefore opposes the reopening of the record. Roman bases his agreement to the enlargement of the issues "upon understandings of counsel and the Examiner that every effort would be made to develop such additional facts as may be pertinent through stipulation or by interrogatory procedure * * *"

4. In view of the foregoing, the issues will be enlarged to permit a determination of the question of the possibility of an unauthorized transfer with respect to Station WMNT.[3] It is not for the Review Board to determine whether the evidence relevant to the added issue can be developed by stipulation, or whether testimony will be required. Hence, the Review Board will not specify the manner in which this evidence may be developed before the Hearing Examiner.

Accordingly, it is ordered, This 7th day of February 1964, That the Petition to Enlarge Issues and Reopen the Record, filed by the Broadcast Bureau on January 2, 1964, is granted to the extent indicated herein; that the following issue is added: "To determine whether prior to August 11, 1961, Raul Santiago Roman and Zaida Santos Rivera transferred their interest and/or relinquished negative control of Station WMNT without receiving prior Commission consent in contravention of section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder and, if so, the facts and circumstances relating to such relinquishment."

Released: February 11, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-1568; Filed, Feb. 14, 1964; 8:51 a.m.]

[1] Before the Review Board for consideration are: (1) petition to enlarge issues and reopen record, filed by the Broadcast Bureau on Jan. 2, 1964; (2) qualified opposition filed by Arecibo Broadcasting Corporation, Inc., on Jan. 10, 1964; (3) opposition filed by Raul Santiago Roman, on Jan. 15, 1964; (4) reply filed by the Broadcast Bureau, on Jan. 21, 1964; and (5) comments filed by Raul Santiago Roman on Jan. 28, 1964.

[2] Since the other 50 percent of the stock was owned by Efrain Archilla-Roig and Pedro Collazo-Barbosa, the transfer constituted a relinquishment of negative control and a gain of positive control by Efrain Archilla-Roig and his father, Ernesto Archilla-Rivera, as a family group.

[3] The issue as added incorporates the information sought by the Bureau in its moving petition and the position taken by Roman in his "Comments."

[Docket Nos. 15312—15315; FCC 64-72]

ALAN H. ROSENSON ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Alan H. Rosenson, d/b as All-Florida Communications Company, Docket No. 15312, File No. 2437-C2-MP-63, for modification of a construction permit for station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Benjamin Cutler, Docket No. 15313, File No. 3320-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida; Abe Schonfeld, d/b as Tel-Car, Docket No. 15314, File No. 3536-C2-P-63, for a construction permit for station KIB527 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Professional Radio Service Corporation, Docket No. 15315, File No. 5080-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida.

1. The Commission has before it (1) an application by Alan H. Rosenson, d/b as All-Florida Communications Company (All-Florida) for a modified construction permit to change the facilities (now authorized to construct a one-way FM signaling service on 35.22 Mc/s) of station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida, in order to render such one-way FM signaling service on 43.22 Mc/s covering a larger area, with a change from AM and FM operations on a single channel (35.22 Mc/s) to separate operations on two channels (AM on 35.22 Mc/s and FM on 43.22 Mc/s); (2) an application by Benjamin Cutler (Cutler) for a construction permit to establish a new one-way signaling service on the frequency 43.22 Mc/s in the Domestic Public Land Mobile Radio Service at Miami, Florida; (3) an application by Abe Schonfeld, d/b as Tel-Car (Tel-Car) for a construction permit to modify the facilities of station KIB527, now providing two-way communications service in the Domestic Public Land Mobile Radio Service at Miami, Florida, by changing its operating frequencies from 454.35 Mc/s (base) and 459.35 Mc/s (mobile) to 152.18 Mc/s (base) and 158.64 Mc/s (mobile); (4) an application from Professional Radio Service Corporation (Professional) for a construction permit to establish new two-way and one-way communications services on the base station frequency 152.18 Mc/s and for authorization to operate mobile transmitters on several Miscellaneous Common Carrier mobile frequencies in the Domestic Public Land Mobile Radio Service at Miami, Florida; (5) a Petition to Deny Application of Professional, filed September 5, 1963 by All-Florida, licensee of stations KIN643 and KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; (6) an Opposition to Petition to Deny Application, filed by Professional on September 12, 1963; (7) A Reply to Opposition to Petition to Deny, filed by All-Florida on September 27, 1963; (8) A Motion to Strike Petition to Deny and Reply to Opposition, filed by Professional on October 1, 1963; (9) an Opposition to Motion to Strike Petition to Deny and Reply to Opposition, filed by All-Florida on October 8, 1963; and (10) a Reply to the Opposition to Motion to Strike, filed by Professional on October 10, 1963.

2. All-Florida and Cutler are each seeking to establish one-way communications service of the voice type on 43.22 Mc/s at Miami, Florida. It appears that the proximity of the proposed base station locations make these applications mutually exclusive, by reason of potential electrical interference, and that with respect to each other a comparative hearing is necessary to determine whether a grant to either of the applicants would serve the public interest, convenience and necessity.

3. Tel-Car and Professional are each seeking to establish a two-way communications service on the frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile) at Miami, Florida. It appears that these applications are mutually exclusive, by reason of potential electrical interference, and that a comparative hearing is necessary to determine whether a grant to either of these applicants would serve the public interest, convenience and necessity.

4. Professional, in addition to its proposed two-way communications service, proposes one-way communications service at Miami, Florida. It appears that the Professional, All-Florida and Cutler applications are economically competitive and raise substantial questions of public need for additional one-way service in the subject area, thereby establishing the necessity for a consolidated proceeding which will resolve all the apparent conflicts posed by the four applications.

Petition to deny. 5. All-Florida alleges that it is furnishing the identical one-way and two-way communications serv-

ices proposed by Professional and that it has the capacity to serve additional customers and therefore there is no need or demand for the proposed service. All-Florida further alleges that Professional intends to provide a common carrier service of limited character-performing functions mainly for doctors and allied enterprises. It is also alleged that Professional's functions are to be supervised by a busy physician; that the service will be associated with the Medical Service Bureau, which provides a telephone answering service to doctors and hospitals; and that the intention is to "expand a monopoly" in this area of communications (telephone answering services) at the expense of regularly authorized common carriers.

Opposition to petition to deny. 6. Professional submits that the petition to deny should be dismissed as defective on its face in that it is not supported by an affidavit of a person having personal knowledge of the material facts alleged, as required by § 21.27(c) of the Commission's rules and section 309(d)(1) of the Communications Act of 1934, as amended. Professional further alleges that the petition and supporting affidavit do not contain sufficient specific allegations of fact to show that All-Florida is a party in interest or to show that a grant of such application would be prima facie inconsistent with section 309(a) of the Communications Act. Professional denies that All-Florida has the capacity to serve the public need for one-way signaling service, pointing to the pending application to modify All-Florida's license for station KIN645 and charging that such application is inconsistent with its statement in the petition concerning the adequacy of existing facilities. Further, Professional alleges that it has made a survey which establishes the inadequacy of the existing services, in terms of existing and potential need as well as type of signaling or general communications services offered,[1] and that All-Florida's receiving units and service have been of poor quality.

7. Professional denies that the proposed services are limited to doctors, dentists, hospitals, ambulance services and allied medical enterprises, except to the extent that the priority provisions of § 21.512 of the rules so require. Professional argues that other segments of the public want its proposed services and that it intends to solicit business from the public generally, as evidenced by the fact that its survey of need in the subject area was not limited to doctors and allied enterprises. Further, Professional states that it has no written agreement with the Medical Service Bureau, that it does not anticipate such an agreement, and that the said Bureau will have no control over the proposed operation. Professional also asserts that supervision of its prospective operations will be assumed by its several corporate officers and does not depend on the availability of Dr. Baker, a practicing physician.

[1] All-Florida's one-way services do not include combined selective signaling and voice communications or message relay services, as proposed by Professional.

Reply to opposition to petition to deny. 8. All-Florida claims that the affidavit attached to its Petition to Deny does contain sufficient factual allegations which are based upon the affiant's own knowledge. It further claims that it has standing to protest because each of the three transmitters proposed by Professional's application is located within several hundred yards of one of All-Florida's transmitters so that they will serve substantially the same area; that Professional's service is aimed primarily at doctors who constitute a large part of All-Florida's clientele; and that of the three types of service proposed by Professional, two are now offered by All-Florida's stations (two-way mobile service and one-way signaling without voice). All-Florida alleges that its existing one-way and two-way stations have substantial unused capacity and that other existing stations in Miami likewise have unused capacity.

9. All-Florida further alleges that the existing need for one-way selective signaling with voice message service will be met by its pending application (File No. 2437-C2-MP-63), but will not be satisfactorily met by the Professional proposal which would cram three distinct services on one frequency (152.18 Mc/s) and would result in a degradation of service.

10. All-Florida also challenges the validity of the survey referred to in Professional's application because Professional fails to disclose the methods used and the persons involved in the alleged compilation of data. It dismisses Professional's argument that its service is needed because of the area's rapid growth in population as irrelevent in view of substantial unused capacity of existing stations offering like services. All-Florida claims that the conclusion that its services are inadequate is refuted by the substantial customer acceptance it has achieved and by the fact that its signal is superior to that which is proposed by Professional. In other respects the Reply is argumentative and devoted to details which may be submitted as evidence in an evidentiary proceeding.

Motion to strike petition to deny and reply to opposition. 11. Professional alleges in its motion to strike that neither the petition to deny nor the reply to opposition to petition to deny is supported by an affidavit of a person with personal knowledge of the stated facts, as required by section 309(d)(1) of the Communications Act of 1934, as amended, and by § 21.27(c) of the Commission's rules. It is also claimed that the affidavit filed in support of the petition to deny contains many statements obviously not within the personal knowledge of the affiant and contains statements labeled as "opinion", "belief" and "knowledge and belief". It is further alleged that the statement attached to the reply to opposition to petition to deny is supported only by a statement asserted to be on the basis of "knowledge and belief". It is also claimed that since few, if any, of the material matters in the petition to deny can conceivably be based on personal knowledge and since the affidavit attached to the reply states that it is based on "knowledge and belief", the Commission should not be required to speculate on which, if any, matters are based upon personal knowledge.

Opposition to motion to strike petition to deny and reply to opposition. 12. All-Florida opposes the motion to strike because Professional did not get Commission authorization to file an additional pleading pursuant to § 1.13(c) (now §1.45(c)) of the Commission's rules. Other argumentative statements are contained in this pleading relating to the sufficiency of the affiidavit attached to the reply to opposition so far as the personal knowledge requirements of the statute are concerned. Although Professional filed "A Reply to the Opposition to Motion to Strike", no authority for such pleading was requested or authorized. (See § 1.45(c) of the rules.)

Disposition. 13. All-Florida is an established common carrier radio licensee offering one-way and two-way signaling service generally in the Miami area and has pending an application (hereinabove cited) to expand its one-way communications service in the same general area to be covered by Professional's proposal. All-Florida alleged that Professional's proposed services will be in direct competition with its existing and proposed services. We find and conclude that All-Florida is a party in interest within the meaning of section 309 of the Act; that All-Florida has raised a substantial question of fact with respect to the proposal by professional; and that All-Florida has substantiated its allegations by essentially proper affidavits manifestly based on the personal knowledge of the affiant. Said affidavits state basic facts within the personal knowledge of affiant and go on to state ultimate facts based thereon. However on page 3 of the affidavit supporting the Petition to Deny it is alleged: "Affiant's station as well as the two competing licensees in Miami are already in severe competition with each other, and to affiant's knowledge and belief, all of the existing licensees are operating well below capacity and are accommodating all demands for service." Said affidavit goes on to say that Professional's proposed service would in no way fulfill a public need which cannot be met by the three existing licensees. The above quoted conclusory statements are obviously not based upon the personal knowledge of the affiant and are therefore denied any further consideration in this matter.

14. We find that the applications of All-Florida and Cutler are mutually exclusive by reason of potential electrical interference and that, with respect to each other, a comparative hearing is necessary to determine which, if any, of these proposals would serve the public interest, convenience and necessity. Similarly, we find that the applications of Tel-Car and Professional are mutually exclusive by reason of potential electrical interference and that, with respect to each other, a comparative hearing is necessary to determine which, if any, of these proposals would serve the public interest, convenience and necessity.

15. Since All-Florida and Cutler are each seeking to establish new one-way

communications services and Professional's proposal includes a one-way communications service, the application of Professional is economically competitive with the applications of All-Florida and Cutler. Furthermore, we find that a resolution of the economic conflict between All-Florida or Cutler and Professional, and the facts adduced on the public need for additional one-way service in the area may affect the ultimate choice between the competing two-way applications of Professional and Tel-Car. Inasmuch as the said applicants seek to serve the same general area, the possibility of wasteful duplication of common carrier facilities is raised by the conflicting allegations of said applicants regarding demand for the new services proposed by Professional. Therefore, a consolidated proceeding which will resolve all the apparent conflicts posed by the four applications is required.

16. Professional's proposal is associated with a telephone answering service that apparently limits its present services to the medical profession and allied fields. It is therefore necessary to determine whether the establishment of the services proposed by Professional, on frequencies allocated to common carriers, are designed to satisfy a general public need or the need of a special class of potential subscribers and, in the light of the public need that may be shown, whether the possibility of specialization by Professional will serve the public convenience or necessity. To that extent, the Petition to Deny Application of Professional raises a substantial question of fact concerning the need for a new service that may be limited or specialized and appropriate evidence relating thereto may be submitted under the issues covering public need. So far as All-Florida's contention that it has sufficient capacity on its existing facilities is concerned, we must assume that such statements are modified by its own assumption that its application herein will be granted. Of course, any such determination must await the outcome of the instant proceedings.

17. Professional's motion to strike is largely an attempt to reargue a position previously taken in the opposition to petition, which we have considered in connection with that pleading, and is defective because of Professional's failure to obtain Commission authorization to file an additional pleading pursuant to § 1.45(c) (formerly § 1.13(c) of the Commission's rules.) It is not entitled to consideration. Publix Television Corporation, FCC 59-641. Therefore, the responsive and dependent pleadings are rendered moot.

18. It appears that § 21.504 of the rules and regulations of this Commission describe a median field strength contour of 37 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in two-way communications service, and that the Commission's Report No. T.R.R. 4.3.8, entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50,50) and interference (F50,10) contours of the facilities involved in this proceeding.

19. It also appears that § 21.504 of our rules prescribes a median field strength contour of 43 decibels above one microvolt per meter as the limits of reliable service area for base stations engaged in one-way communications service, and that the Commission's Report No. T.R.R. 3.3.1, entitled "Service Field Intensity Required For Radio Paging Service At 40 Mc/s" which constitutes a proper basis for establishing the location of such service (F50,50) and interference (F50, 10) contours of the facilities involved herein, using the radio wave propagation charts for TV channel 2 (contained in Part 73 of the Commission's rules and the Commission's Sixth Report and Order in Docket Nos. 8736, et al) adjusted downward in field strength by 6 decibels. to compensate for the change in receiving antenna height to 6 feet above ground in lieu of the 30-foot height for which the charts are drawn.

20. We find that except for the matters placed in issue herein, all applicants are financially, legally, technically and otherwise qualified to render the services they have proposed.

21. Accordingly, in view of our determinations in paragraphs 13–20:

It is ordered, That the Motion to Strike Petition to Deny and Reply to Opposition is denied; that the captioned applications are designated for hearing in a consolidated proceeding at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine whether any harmful co-channel electrical interference would result from simultaneous operations on 43.22 Mc/s by All-Florida and Cutler, and if so, whether such interference would be intolerable or undesirable.

(b) To determine whether any harmful co-channel electrical interference would result from simultaneous operations on 152.18 Mc/s and 158.64 Mc/s by Tel-Car and Professional, and if so, whether such interference would be intolerable or undesirable.

(c) To determine, on a comparative basis, the nature and extent of the services proposed by All-Florida, Cutler, Tel-Car and Professional, respectively, in Miami and Miami Beach, Florida, including rates, charges, practices, classifications, personnel, regulations and facilities pertaining thereto.

(d) To determine, on a comparative basis, the areas and population that All-Florida, Cutler and Professional propose to serve within their respective 43 dbu contours, based upon the standards set forth in paragraph 19 above; and to determine the need for the proposed service in these areas.

(e) To determine, on a comparative basis, the areas and population that Tel-Car and Professional propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 18 above; and to determine the need for the proposed service in these areas.

(f) To determine the areas and populations that are served by stations KIN643 and KIN645 within their respective 43 dbu and 37 dbu contours, based upon the standards set forth in paragraphs 18 and 19 above; and to determine their capacity for rendering additional service of the kind proposed by other applicants herein within the said reliable service areas.

(g) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of one or more of the captioned applications and the terms or conditions which should attach thereto.

22. *It is further ordered*, That the burden of proof on issues (a), (b), (c), (d), (e) and (g) is placed upon the applicants so far as their respective applications are affected; and the burden of proof on issue (f) is placed upon All-Florida.

23. *It is further ordered*, That any applicant desiring to participate herein, shall file its notice of appearance on or before the time specified in § 1.221 of our rules.

Adopted: February 5, 1964.

Released: February 10, 1964.

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

[F.R. Doc. 64-1551; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket Nos. 15312-15315; FCC 64M-111]

ALAN H. ROSENSON ET AL.

Order Scheduling Hearing

In re applications of Alan H. Rosenson, d/b as All-Florida Communications Company, Docket No. 15312, File No. 2437-C2-MP-63, for modification of a construction permit for station KIN645 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Benjamin Cutler, Docket No. 15313, File No. 3320-C2-P-63; for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida; Abe Schonfeld, d/b as Tel-Car, Docket No. 15314, File No. 3536-C2-P-63, for a construction permit for station KIB527 in the Domestic Public Land Mobile Radio Service at Miami, Florida; Professional Radio Service Corporation, Docket No. 15315, File No. 5080-C2-P-63, for a construction permit in the Domestic Public Land Mobile Radio Service at Miami, Florida.

It is ordered, This 10th day of February 1964, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 2, 1964, in Washington, D.C.:

And, it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., March 4, 1964.

Released: February 11, 1964.

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

[F.R. Doc. 64-1552; Filed, Feb. 14, 1964; 8:49 a.m.]

[Docket No. 15322; FCC 64-95]

SPARTAN RADIOCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Spartan Radiocasting Company, Asheville, North Carolina, Docket No. 15322, File No. BPTTV-1996; for construction permit for new Television Broadcast Translator Station.

1. The Commission has before it for consideration the above-captioned application for a construction permit for a new VHF television broadcast translator station on Output Channel 9 to serve Asheville, North Carolina, filed June 26, 1963, by Spartan Radiocasting Company (Spartan), licensee of Station WSPA-TV, Channel 7 (CBS), Spartanburg, South Carolina. Spartan proposes that the translator rebroadcast Station WSPA-TV in Asheville, North Carolina.

2. In an exhibit attached to this application, which seeks to justify this proposal, the applicant alleged as follows: that Station WSPA-TV is not providing satisfactory service to Asheville from its new site on Hogback Mountain; that Asheville actually receives service from Station WLOS-TV, Channel 13 (ABC), Asheville; Station WISE-TV, Channel 62 (NBC), Asheville and Station WFBC-TV, Channel 4 (NBC), Greenville, South Carolina; that this limits Asheville to the program service of only two of the three networks; that since Station WISE-TV has extremely limited live programing, Asheville in effect receives live programing from only two stations; that Station WSPA-TV is under a heavy competitive handicap since its chief competitors, Stations WLOS-TV and WFBC-TV, serve the three principal cities in the area—Asheville, Greenville and Spartanburg—while it can serve only Greenville and Spartanburg; that § 74.732(d) of the rules[1] should not be considered applicable since Asheville is already intermixed by the VHF signals of Stations WLOS-TV and WFBC-TV; that Station WISE-TV could not be significantly affected since its programing consists almost wholly of NBC network programs, most of which are carried by Station WFBC-TV; that the licensee of Station WISE-TV not only does not object to this proposal but is willing to cooperate by making its tower available for the proposed translator; that Asheville is located within the Grade A contour of Station WJHL-TV, Channel 11 (ABC, CBS), Johnson City, Tennessee, but that no question is presented under § 74.734(e)(2) of the rules[2] since Asheville is within Station WSPA-TV's predicted principal city contour and that, in any event, Station WJHL-TV does not deliver service to Asheville.

3. The Commission appreciates Spartan's interest in furnishing a "fill-in" translator service to Asheville and would have no reason for hesitation in approving the proposal if it contemplated the use of a UHF translator. Since, however, the proposal is for a VHF translator, the Commission believes that a substantial policy question is presented. Asheville is one of the relatively few communities in the United States which has had an operating UHF television broadcast station for an extended period of time. As a result, it must be presumed that a significant number of persons in and around Asheville have already invested in the additional equipment required to receive UHF signals. This being the case, it may further be presumed that all-channel receiver sales, resulting from the all-channel receiver legislation, will rapidly bring Asheville to a level of set conversion which could either attract applicants for new commercial UHF television broadcast stations in Asheville,[3] or persuade the licensee of Station WISE-TV of the feasibility of expanding its programing.

4. The Commission is keenly aware of its responsibility to encourage expanded use of the UHF and, consistent with this responsibility, the Commission believes that every effort must be made to protect areas such as Asheville which appear, for whatever reason, to offer a heightened potential for the future expansion of UHF. Thus, on the basis of the information presently available to it, suggesting the likelihood that grant of the present application could retard future development of UHF service in the Asheville area, the Commission is unable to conclude that a grant of the present application would serve the public interest, convenience and necessity. In reaching this decision for these reasons, it should be clear that the Commission is not attempting mechanically to apply § 74.732(d) of the rules but is, instead, concerned only with the long term disadvantages it fears could result from a grant of this application.

5. In view of the foregoing, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Spartan Radiocasting Company is designated for hearing at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine whether a grant of the above-captioned application would retard the development of UHF television in and about Asheville, North Carolina.

2. To determine in view of the evidence adduced pursuant to the foregoing issue whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 of the rules.

Adopted: February 5, 1964.

Released: February 12, 1964.

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

[F.R. Doc. 64-1569; Filed, Feb. 14, 1964; 8:52 a.m.]

[Docket Nos. 15326—15328; FCC 64-97]

SPRINGFIELD TELEVISION BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Springfield Television Broadcasting Corporation, Toledo, Ohio, Docket No. 15326, File No. BPCT-3157; D. H. Overmyer, Toledo, Ohio, Docket No. 15327, File No. BPCT-3173; Producers, Inc., Toledo, Ohio, Docket No. 15328, File No. BPCT-3178; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of February 1964;

The Commission, having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast

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[1] Section 74.732(d) of the rules provides that, "A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF services is justified."

[2] Section 74.734(e)(2) of the rules provides that, a VHF translator will not be granted to a television station licensee "Where the proposed VHF translator is intended to provide reception to all or a part of any community located within the Grade A contour of any other television broadcast station for which a construction permit or license has been granted and the programs rebroadcast by the proposed VHF translator will duplicate all or any part of the programs broadcast by such other television broadcast stations: *Provided, however,* That this will not preclude the authorization of a VHF translator intended to improve reception of the parent station's signal to any community, any part of the corporate limits of which is within the principal city service contour of such station."

[3] Channel 78 is now assigned to Asheville for commercial use and the Commission has proposed to add Channel 72. Further Notice of Proposed Rule Making, Docket No. 14229, FCC 63-975.

station to operate on Channel 79, Toledo, Ohio; and

It appearing, That the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, That the following matters are to be considered in connection with the issues specified below:

(a) Based on the information contained in the application of Springfield Television Broadcasting Corporation, cash in an amount in excess of $392,000 will be required for the construction and initial operation of the proposed station. The precise amount of cash necessary cannot be determined since the applicant has made no provision for the costs of legal and engineering fees, installation, freight, miscellaneous costs, and contingencies. The applicant's plan for financing relies upon existing capital of approximately $85,400, an offer by the firm of Kinsley and Adams to form an underwriting group, and a proposed bank loan from Third National Bank. The offer of Kinsley and Adams, however, is not a commitment to furnish funds, and the letter from Third National Bank does not constitute a commitment to furnish any specific sum of money upon any specific terms. It further appears that the applicant will require funds in connection with applications which it has pending involving television broadcast stations WONE-TV (BAPCT-335), WRLP (BPCT-3199) and WWOR (BPCT-3120), the requirements for all four of the pending applications aggregating in excess of $1,216,000. To finance the costs of all four of its sending applications, including those which have been granted but construction of which has not been completed, the applicant appears to have available to it a total of approximately $571,000. No profits will be available from existing operations since total estimated expenses exceed total estimated revenues by more than $185,000. Accordingly, it cannot be determined that the applicant is financially qualified.

(b) The application of Springfield Television Broadcasting Corporation fails to disclose any information concerning its plans for staffing the proposed station. It must be determined, therefore, the manner in which the applicant will staff the proposed station.

(c) Springfield Television Broadcasting Corporation is incorporated under the laws of the Commonwealth of Massachusetts. No showing has been made, however, that the applicant is authorized to do business in the State of Ohio. Accordingly, it cannot be determined that the applicant is legally qualified.

(d) Springfield Television Broadcasting Corporation has failed to disclose the policy which it proposes to pursue with respect to making time available for the discussion of public issues. Accordingly, the applicant's policy in this respect must be ascertained.

(e) The application of D. H. Overmyer shows that the applicant proposes to locate his main studio at a point outside the corporate limits of the City of Toledo, Ohio. It must be determined, therefore, whether a grant of the application would be consistent with the provisions of § 73.613(a) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(f) Based on information contained in the application of Producers, Inc., cash in the amount of approximately $525,000 will be required for the construction and initial operation of the proposed station. The applicant has submitted a letter from Polaris, Inc., purporting to be a commitment to lend the applicant $500,000, but the said letter is not supported by a financial statement of Polaris, Inc., showing the availability of current and liquid assets in excess of liabilities in amount sufficient to fulfill its said commitment. Additionally, the financial statement furnished by the applicant shows current liabilities in excess of current and liquid assets. It cannot be determined, therefore, that the applicant is financially qualified. The evidence to be adduced with respect to the financial issue to be specified in connection therewith will be restricted to the deficiencies described, or to an alternate showing of financial qualifications.

(g) Producers, Inc., is incorporated under the laws of the State of Indiana. No showing has been made, however, that the applicant is authorized to do business in the State of Ohio. It cannot be determined, therefore, that the applicant is legally qualified.

It further appearing, that, except as indicated above, Springfield Television Broadcasting Corporation is technically and otherwise qualified to construct, own and operate the proposed station; and, except as indicated above, D. H. Overmyer is legally, technically, financially and otherwise qualified to construct, own and operate the proposed station; and, except as indicated above, Producers, Inc., is technically and otherwise qualified to construct, own and operate the proposed station; and

It further appearing, that Midwest Program on Airborne Television Instruction, Inc. (MPATI) filed a Petition for Rule Making (RM-407) requesting the deletion of Channel 79 from Toledo, Ohio, and the substitution of channel 62 in lieu thereof. On October 28, 1963, the Commission released a "Further Notice of Proposed Rule Making" in Docket No. 14229 (FCC 63-975) proposing a revised allocation plan of UHF channels which would add new assignments to the present Table of Assignments. The Commission has stated therein that petitions for UHF assignments now pending (such as that filed by MPATI in RM-407) will be treated as comments in that proceeding. In view of the fact that the proposed Rule Making proceeding in Docket No. 14229 could result in the substitution of another UHF channel in Toledo, Ohio, in lieu of Channel 79, the Commission is of the opinion that a grant of any of the instant applications must be made subject to the condition that the Commission may, without further proceedings, substitute for Channel 79 such other commercial channel as may be assigned to Toledo, Ohio, instead of Channel 79, in the Rule Making proceeding proposed in Docket No. 14229; and

It further appearing, that the Detroit Public Schools, Detroit, Michigan, has filed an informal objection for the Commission's consideration pursuant to § 1.587 of the Commission's rules, expressing concern that, in the event of a grant of any of these applications, there may be interference with signals transmitted by Television Translator Stations W79AE and W83AB in Detroit, which rebroadcast on Channels 79 and 83 the programs broadcast by Midwest Program on Airborne Instruction, Inc. (MPATI), and further stating that interference is likely to result with signals transmitted by the MPATI aircraft. Authorization for the operation of Television Translator Station W79AE was granted August 1, 1962 (BPTT-712), to Purdue University, and an assignment of the license to MPATI was granted March 14, 1963 (BALTT-23). The said license was made subject to the following condition: "That this authorization shall cease to be effective and operation of the translator station shall be terminated coincident with the commencement of operation of a duly authorized TV station on Channel 79 at Toledo, Ohio, or at any other location involving separations from the translator station less than those required by § 4.702 of the Commission's rules."

Since the authorization for operation of the translator stations will thus become inoperative upon the commencement of broadcasting by the permittee of any grant which may be made herein, no interference problem will be presented for the Commission's consideration with respect thereto. Concerning possible interference with the signals transmitted by the MPATI aircraft, the authorization for Experimental Airborne Television Station KS2XGD (including both the main transmitter and the alternate main transmitter) was granted to Purdue University on June 9, 1961 (BLEX-95 for the main transmitter and BLEX-96 for the alternate main transmitter), subject to, inter alia, the following condition: "3. Authorization of this experimental program on the stated television frequencies shall not preclude Commission consideration of applications specifying any facility contained in the Commission's Table of Assignments (§ 3.606) which might be in conflict with the operation herein specified."

No showing has been made that operation on Channel 79, Toledo, would cause interference with the signals transmitted by MPATI aircraft on Channel 76. The Commission's rules require a separation of twenty miles between Channels 76 and 79 because of the "intermodulation" taboo. Inasmuch as there is a separation of approximately 130 miles between the MPATI Channel 76 and the proposed Toledo operations on Channel 79, it does not appear that the proposed operations on Channel 79 could affect reception of the MPATI signals in the Toledo area. Accordingly, no issue with respect thereto appears warranted.

It further appearing, that Polaris Corporation, owner of 100 percent of the

stock of Producers, Inc., is presently in violation of the numerical restrictions of the Commission's multiple ownership rules by virtue of the broadcast interests of its subsidiaries and stockholders in seven VHF television broadcast stations (WTVW – TV, Evansville, Indiana; KEND–TV, Fargo, North Dakota; KCND–TV, Pembina, North Dakota; KNOX–TV, Grand Forks, North Dakota; WTIC–TV, Hartford, Connecticut; WDSM–TV, Superior, Wisconsin; and WRGB–TV, Schenectady, New York); that the Commission, in consenting to the transfer of control of Radio Station KOME, Tulsa, Oklahoma, from Franklin Broadcasting Company to Producers, Inc. (FCC 63–1147, December 4, 1963), made the grant upon condition that Producers, Inc., demonstrate compliance with the Commission's multiple ownership rules; that the Commission has afforded the applicant reasonable time within which to bring itself into compliance with such rules; that, however, unless Polaris Corporation demonstrates, prior to the closing of the record in this proceeding, that it is in compliance with such rules, it will be disqualified in this proceeding; and

It further appearing, that the multiple ownership interests of Producers, Inc., and Springfield Television Broadcasting Corporation can be explored within the framework of comparative issue "8(a)" herein; and

It further appearing, that, upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above captioned applications of Springfield Television Broadcasting Corporation, D. H. Overmyer, and Producers, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Springfield Television Broadcasting Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine the manner in which Springfield Television Broadcasting Corporation will, in the event of a grant of its application, staff the proposed television broadcast station.

3. To determine whether Springfield Television Broadcasting Corporation is legally qualified to construct, own and operate the proposed television broadcast station.

4. To determine the policy which Springfield Television Broadcasting Corporation will pursue with respect to making time available for the discussion of public issues, in the event of a grant of its application.

5. To determine whether the instant proposal of D. H. Overmyer is in compliance with § 73.613(a) of the Commission's Rules with repect to location of the main studio and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether Producers, Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

7. To determine whether Producers, Inc., is legally qualified to construct, own and operate the proposed television broadcast station.

8. To determine, on a comparative basis, which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

(a) The background and experience of each, bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming services proposed in each of the above-captioned applications.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of any of the above-captioned applications, such grant shall be made subject to the condition that the Commission may, without further proceedings, specify operation by the permitee on such other commercial channel as may be assigned to Toledo, Ohio, in lieu of Channel 79, in the Rule Making proceeding proposed in Docket No. 14229:

And it is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: "To determine whether the funds available to the applicant will give reasonable asurance that the proposals set forth in the application will be effectuated."

It is further ordered, That, to avail themselves of the opportunity to be heard, Springfield Television Broadcasting Corporation, D. H. Overmyer, and Producers, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of the Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commision's rules, give notice of the hearing, either individually, or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 12, 1964.

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

[F.R. Doc. 64–1570; Filed, Feb. 14, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI64–394, etc.]

BETA DEVELOPMENT CO. ET AL.

Hearings on and Suspension of Proposed Changes in Rates, Correction

FEBRUARY 6, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 19, 1963 and published in the FEDERAL REGISTER December 27, 1963 (F.R. Doc. 63–13353; 28 FR–14346–14348), after the conclusion of the Finding paragraph (D), insert the heading *"The Commission orders:"* and include thereunder the following ordering paragraph (A) which was inadvertently omitted:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis of Continental's proposed rate filing which El Paso has protested, and the statutory lawfulness of all of the producers' proposed rate changes contained in the above-designated rate supplements.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–1522; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket No. G–16530 etc.]

JAMES M. FORGOTSON ET AL.

Applications for Certificates and Petitions To Amend Certificates; Correction

FEBRUARY 10, 1964.

In the notice of applications for certificates and petitions to amend certificates, issued January 31, 1964 and published in the FEDERAL REGISTER February 7, 1964 (F.R. Doc. 64–1222; 29 F.R. 1856), in chart, after "Initial price per Mcf" add footnote "[2] Prices include all applicable tax reimbursement."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–1523; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket Nos. CP61-45, CP63-292]

INDIANA NATURAL GAS CORP.

Notice of Application, Consolidation, and Date of Hearing

FEBRUARY 11, 1964.

Take notice that Indiana Natural Gas Corporation, an Indiana corporation (Applicant), having its principal place of business in Paoli, Indiana, filed on April 29, 1963, an application (Docket No. CP63-292), and on May 16, 1963, and on June 27, 1963, supplements thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct, and to sell and deliver to Applicant natural gas for resale to the public in the towns of French Lick and West Baden Springs, Indiana, and vicinity, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate distribution systems in said towns, which are contiguous, at an initial cost of $106,612 and amounting to $125,776 in the fifth year of construction. Applicant does not propose construction of any transmission facilities, since, it states, Texas Eastern's pipeline is located within the corporate limits of French Lick and also within Applicant's service area.

Applicant estimates its natural gas requirements for French Lick and West Baden Springs as follows:

Year	Peak day (Mcf)	Annual (Mcf)
1	1,994	152,460
2	2,008	160,301
3	2,173	168,646

Applicant proposes to finance its construction by the sale of 6¼ percent first morgage sinking fund notes in the amount of $325,000, which covers financing of all properties of Applicant including the proposed construction in Docket No. CP61-45. The financing also includes the sale of 50,000 shares of Applicant's no par common stock.

Notice of application and date of hearing was issued in Docket No. CP61-45 by the Secretary of the Commission on November 9, 1961, and published in the FEDERAL REGISTER on November 18, 1961 (26 F.R. 10817). Thereafter, on November 22, 1961, notice was issued postponing the hearing scheduled for December 20, 1961, to a date to be thereafter fixed by further notice. Said notice of postponement was published in the FEDERAL REGISTER on November 30, 1961 (26 F.R. 11310).

These related matters should be heard upon a consolidated record and are hereby consolidated for hearing.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 17, 1964, at 10:00 a.m. e.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-1524; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket No. RI64-601]

LARIO OIL & GAS CO.

Order Accepting Agreement and Rate Filing Providing for Hearing on and Suspension of Proposed Change in Rate

FEBRUARY 7, 1964.

On January 9, 1964, Lario Oil & Gas Company (Lario) [1] tendered for filing a proposed renegotiated rate decrease from 11.0 cents to 8.0 cents per Mcf at 14.65 p.s.i.a. to reflect the change from high to low pressure operation and lower pressure delivery requirement.[2] The proposed decrease in rate relates to Lario's jurisdictional sales of natural gas to Lone Star Gas Company from the Katie Field, Garvin County, Oklahoma (Oklahoma "Other" Area) and has been designated as Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9.

On the same date, January 9, 1964, Lario tendered for filing a proposed favored-nation rate increase from the above 8.0 cents to 12.35 cents per Mcf, amounting to an annual increase of $640, covering the sale of low pressure gas under the aforementioned Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9.

The subject filing was previously submitted on November 26, 1963, but was rejected on the basis that the rate schedule did not include the agreement dated June 29, 1954, which provides for the "favored-nation" increase. In resubmitting the instant filing, Lario has included the previously missing agreement. Lario contends that the subject missing agreement was filed by its predecessor, The Globe Oil & Refining Company, under a letter of transmittal dated September 27, 1954, and requests that the previous rejection letter be revoked. A search of the Commission's files fails to substantiate Lario's claim. Moreover, the letter advising Lario's predecessor of the acceptance of its rate filing does not include the "missing" document. Under the circumstances, we believe that Lario's request for revocation of our letter dated December 20, 1963, rejecting the notice of change filed November 26, 1963, should be denied.

[1] Address is: 301 South Market Street, Wichita 2, Kansas.

[2] Delivery pressure requirement reduced from 800 p.s.i.g. to 75 p.s.i.g.

Lario's proposed favored-nation rate increase of 12.35 cents per Mcf for low pressure gas exceeds the increased ceiling of 11.0 cents per Mcf for the Oklahoma "Other" Area as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, P. 2, § 2.56) and should be suspended.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has not been shown for revoking our letter dated December 20, 1963, rejecting the notice of change filed November 26, 1963, and Lario's request for revocation of such letter should be denied.

(2) Good cause has been shown for accepting for filing the 8.0 cents per Mcf rate decrease contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9, for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act with respect thereto and for permitting such rate decrease to become effective as of February 8, 1964.

(3) The Agreement dated June 29, 1954, designated as Supplement No. 4 to Lario's FPC Gas Rate Schedule No. 9 should be accepted for filing to become effective as of February 9, 1964, thirty days after filing.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that the 12.35 cents per Mcf rate contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Lario's request for revocation of our letter dated December 20, 1963, rejecting the notice of change filed November 26, 1963, is hereby denied.

(B) The 30-day notice requirement provided in section 4(d) of the Natural Gas Act is hereby waived with respect to the 8.0 cents per Mcf decrease contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9 and such rate decrease is hereby accepted for filing and permitted to become effective as of February 8, 1964.

(C) The Agreement dated June 29, 1954, designated as Supplement No. 4 to Lario's FPC Gas Rate Schedule No. 9, is hereby accepted for filing and permitted to become effective as of February 9, 1964.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed 12.35 cents per Mcf rate and charge contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9.

(E) Pending a hearing and decision thereon, the 12.35 cents per Mcf favored-

nation rate increase contained in Supplement No. 5 to Lario's FPC Gas Rate Schedule No. 9 is hereby suspended and the use thereof deferred until July 9, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(F) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(G) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 26, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1525; Filed, Feb. 14, 1964; 8:47 a.m.]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 11, 1964.

Take notice that on January 29, 1964, Montana-Dakota Utilities Co. (Applicant), incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal place of business at Minneapolis, Minnesota, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amounts of electric energy which Applicant is presently authorized to transmit from the United States to Canada.

By Commission order issued November 14, 1961, in the above docket, Applicant was authorized to transmit electric energy from the United States to Canada in amounts not to exceed 666,000 kwh per annum at a maximum transmission rate of 230 kw at North Portal, Saskatchewan, 60,600 kwh per annum at a maximum transmission rate of 20 kw at Northgate, Saskatchewan, 24,300 kwh per annum at a maximum transmission rate of 10 kw at Elmore, Saskatchewan, and 28,700 kwh per annum at a maximum transmission rate of 12 kw at Marienthal, Saskatchewan. Applicant now seeks authorization to transmit up to 800,000 kwh per annum at a maximum rate of 250 kw at North Portal, up to 81,000 kwh per annum at a maximum rate of 30 kw at Northgate, up to 43,000 kwh per annum at a maximum rate of 20 kw at Elmore and up to 42,000 kwh per annum at a maximum rate of 15 kw at Marienthal.

The amounts of electric energy which Applicant proposes to export, like those amounts presently exported pursuant to the aforementioned authorization, are to be transmitted to Canada from the State of North Dakota over certain facilities specified in a Presidential Permit signed by the President of the United States on May 18, 1942, and released to Applicant concurrently with the issuance of Commission order issued July 21, 1942, all in the above docket.

Any person desiring to be heard or to make any protest with reference to the application should on or before March 2, 1964 file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1526; Filed, Feb. 14, 1964; 8:48 a.m.]

[Project No. 2310]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Amendment of License

FEBRUARY 7, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Company, of San Francisco, California, for amendment of its license for Project No. 2310 located on South Yuba and Bear River and tributaries in Nevada and Placer Counties, California, near the cities of Auburn, Colfax, Grass Valley and Nevada City, and affecting lands of the United States within the Tahoe National Forest and other lands of the United States.

The application seeks to include in the license certain constructed project facilities not presently included in the license for the project and certain unconstructed project facilities, consisting of the following:

CONSTRUCTED FACILITIES

Lake Van Norden—an earth-fill dam located on the South Yuba River, a spillway located at the left abutment, a reservoir with an area of about 382 acres and a storage capacity of about 5,261 acre-feet and a controlled outlet under the dam; Kidd Lake—an earth and rock-fill dam, located on a tributary of South Yuba River, a spillway located at the left abutment, a reservoir with an area of about 86 acres, and a storage capacity of about 1,505 acre-feet and a controlled outlet under the dam; Kelly Lake—an earth-fill dam located on North Fork Creek, a spillway located at the left abutment, a reservoir with an area of about 28 acres and a storage capacity of about 376 acre-feet and a controlled outlet under the dam; Bear River Diversion—a concrete gravity overflow dam of cyclopean rubble masonry located on the Bear River with water being diverted into the Bear River Canal; Dutch Flat Tunnel—a tunnel, which diverts water from Drum Afterbay to Dutch Flat Penstock, about 4.13 miles long and a nominal rated capacity of about 475 cubic feet per second; Bear River Canal—a canal about 22.64 miles long, consisting of 20.56 miles of ditch, 0.76 of a mile of flume, and 1.32 miles of tunnel, diverting water from the Bear River Diversion to the vicinity of Christian Valley and has a nominal rated capacity of 475 cubic feet per second; Dutch Flat Penstock—a welded steel pipe about 3,640 feet long which conveys water from Dutch Flat Tunnel to Dutch Flat powerhouse; Dutch Flat Powerhouse—a powerhouse located on the Bear River containing one 29,000 horsepower turbine direct connected to a 27,500-kva 0.8 PF (22,000 kilowatt) generator, step-up transformers and switching facilities; Drum-Summit 110-kv Transmission Lines—two single circuit 110-kv wood-pole lines extending about 27.09 and 28.06 miles, respectively, from Drum Powerhouse to a connection with Sierra Pacific Power Company's system in the vicinity of licensee's Summit Metering Station; Drum-Spaulding-Summit 60-kv Transmission Lines—a single-circuit 60-kv wood-pole line extending about 9.33 miles from Drum Powerhouse to Spaulding Powerhouse No. 1, where it connects with another single-circuit 60-kv wood-pole line which extends about 19.57 miles to a connection with Sierra Pacific Power Company's system near the licensee's Summit Metering Station; Drum-Halsey Junction 110-kv Transmission Lines—two 110-kv circuits extending about 22.5 miles from the Drum Powerhouse to a junction with the licensee's transmission system at its Halsey Junction Switching Station with the first 12.6 miles on single-circuit steel towers and the last 9.9 miles on double-circuit steel towers; Dutch Flat-Halsey Junction 110-kv Transmission Line—a 110-kv line extending about 19.23 miles from the Dutch Flat Powerhouse to a junction with the licensee's interconnected transmission system at its Halsey Junction Switching Station with the first 7.74 miles being on single-circuit steel towers and the last 11.49 miles being on double-circuit steel towers; and Drum-Colfax Junction 60-kv Transmission Line—a single-circuit 60-kv transmission line extending about 15.46 miles from the Drum Powerhouse to a junction with licensee's interconnected transmission system at Colfax Junction about 1.1 miles northerly from licensee's Colfax Substation.

UNCONSTRUCTED FACILITIES

Drum-Dutch Flat 110-kv Transmission Line—a single-circuit 110-kv transmission line extending about 5.5 miles from the Drum Powerhouse to the Dutch Flat Powerhouse; Dutch Flat No. 2 110-kv Tap Line—a single circuit 110-kv tap line extending about ½ mile from Nevada Irrigation District's Dutch Flat No. 2 Powerhouse of Project No. 2266 to licensee's Drum-Halsey Junction 110-kv transmission lines; and Chicago Park-Halsey Junction 110-kv Transmission Line—a single-circuit 110-kv transmission line extending about 14 miles from Nevada Irrigation District's proposed Chicago Park powerhouse of Project No. 2266 to the licensee's Halsey Junction Switching Station.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 6, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1527; Filed, Feb. 14, 1964; 8:48 a.m.]

[Docket No. RI64-602]

WARREN PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

FEBRUARY 7, 1964.

On January 10, 1964, Warren Petroleum Corporation (Operator)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated January 7, 1964.
Purchaser and producing area: High Plains Natural Gas Company (McLean (Sitter) Gas Plant, Wheeler County, Texas) (R. R. District No. 10).
Rate Schedule designation: Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29.
Effective date: February 14, 1964.[2]
Amount of annual increase: $77,000.
Effective rate: 10.0 cents per Mcf.
Proposed rate: 17.0 cents per Mcf.[3]
Pressure base: 14.65 psia.

Warren Petroleum Corporation (Operator) (Warren) proposed increased rate and charge exceeds the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

The increased rate and charge so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Warren's FPC Gas Rate Schedule No. 29 is hereby suspended and the use thereof deferred until July 14, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before March 25, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-1529; Filed, Feb. 14, 1964; 8:48 a.m.]

[1] Address is: P.O. Box 1589, Tulsa, Oklahoma.

[2] The stated effective date is the effective date requested by Respondent.

[3] Unilateral rate increase. Basic contract expired under its own terms on December 1, 1963.

[Docket No. G-7004 etc.]

PENNZOIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

FEBRUARY 11, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 9, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-7004 11-18-63	Pennzoil Co.[1] (formerly South Penn Oil Co.).	Hope Natural Gas Co., acreage in various counties, W. Va.	25.0	15.025
		Equitable Gas Co., acreage in Braxton and Gilmer Counties, W. Va.	16.0	15.325
G-7193 C 1-30-64	The Pure Oil Co	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	9.0	14.65
G-7412 12-26-63	Pennzoil Co.[1] (formerly South Penn Oil Co.).	United Natural Gas Co., acreage in McKean County, Pa.	25.0	14.73
G-7413 12-26-63	do	do	[2] 34.0	14.73
G-7414 12-26-63	do	do	[2] 34.0	14.73
G-7415 12-26-63	do	do	[2] 34.0	14.73
G-7416 12-26-63	do	do	[2] 34.0	14.73
G-7417 12-26-63	do	do	[2] 34.0	14.73
G-7418 12-26-63	do	do	[2] 34.0	14.73
G-8313 E 2-5-64	West Virginia Development Co. (successor to Bernard F. Rinehart, et al.).	Hope Natural Gas Co., Jefferson District, Pleasants County, W. Va.	20.0	15.325
G-8314 E 2-5-64	do	do	20.0	15.325
G-8315 E 2-5-64	do	do	20.0	15.325
G-12576 E 2-3-64	Logue and Patterson (successor to Slade, Inc., et al.).	Texas Eastern Transmission Corp., Enke Field, Goliad County, Tex.	13.8733	14.65
G-12912 E 1-29-64	Norristown Gas Co., et al. (successor to Jules G. Franks, et al.)	Hope Natural Gas Co., Sherman District, Calhoun County, W. Va.	20.0	15.325
G-15533 E 1-27-64	Jake L. Hamon (Operator), et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp. (Operator), et al.).	Lone Star Gas Co., East Aylesworth Field, Bryan County, Okla.	11.0	14.65
G-18610 E 1-29-64	Norristown Gas Co., et al. (successor to J. G. Franks, et al.).	Hope Natural Gas Co., Lee District, Calhoun County, W. Va.	20.0	15.325
CI60-475 C 1-30-64	Belco Petroleum Corp	El Paso Natural Gas Co., acreage in Lincoln and Sublette Counties, Wyo.	15.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI60-691 [2] 1-30-64	Continental Oil Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Major and Dewey Counties, Okla.	15.0	14.65
CI61-465 C&E 2-3-64	David Law (successor to Ridgedale Oil & Gas Co., Inc.).	Hope Natural Gas Co., Courthouse District, Lewis County, W. Va.	25.0	15.325
CI61-550 D 1-29-64	Lario Oil & Gas Co	Cities Service Gas Co., Axline Lease, Barber County, Kans.	Depleted	
CI61-819 C 1-30-64	Skelly Oil Co	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	15.0	14.65
CI61-945 11-18-63	Pennzoil Co.[1] (formerly South Penn Oil Co.).	Carnegie Natural Gas Co., acreage in Doddridge and Tyler Counties, W. Va.	20.0	15.025
CI62-923 E 1-30-64	Duquesne Kentucky Gas Co. (successor to Duquesne Natural Gas Co.).	United Fuel Gas Co., acreage in eastern Lawrence County, Ky.	22.0	15.325
CI62-1184 [3] 1-27-64	Sinclair Oil & Gas Co. (Operator), et al.	Arkansas Louisiana Gas Co., acreage in Latimer County, Okla.	15.0	14.65
CI63-572 E 2-3-64	Arthur N. Rupe, d.b.a. Artex Oil Co. (successor to Standard Oil and Gas, Inc.).	Equitable Gas Co., Collins Settlement and Courthouse Districts, Lewis County, W. Va.	25.0	15.325
CI63-1488 [4] A 6-3-63	Pan American Petroleum Corp. (partial succession).	Tennessee Gas Transmission Co., LaSal Vieja Field, Willacy County, Tex.	[5] 12.12268	14.65
CI64-157 C 2-3-64	Skelly Oil Co	Kansas-Nebraska Natural Gas Co., Inc., acreage in Hamilton County, Kans.	12.5	14.65
CI64-314 E 2-5-64	Edward Lee Dolly (successor to Don W. Hardman, et al., d.b.a. Hardman Drilling Co.).	Hope Natural Gas Co., Union District, Ritchie County, W. Va.	25.0	15.325
CI64-565 C 1-30-64	Falcon Seaboard Drilling Co. (Operator), et al.	Northern Natural Gas Co., Kiowa Creek, Lipscomb County, Tex.	17.0	14.65
CI64-859 A 1-29-64	John Franks (Operator), et al	Arkansas Louisiana Gas Co., Chenniere Field, Ouachita Parish, La.	18.333	15.025
CI64-860 A 1-30-64	Northern Natural Gas Producing Co.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI64-861 A 1-30-64	American Petrofina Co. of Texas.	El Paso Natural Gas Co., Gallegos Canyon Unit, San Juan County, N. Mex.	12.0	15.025
CI64-862 B 1-30-64	R. S. Barnwell, Jr. (Operator)	Arkansas Louisiana Gas Co., Bellevue Gas Field, Bossier Parish, La.	Depleted	
CI64-863 A 1-30-64	Beard Oil Co	Lone Star Gas Co., East Doyle Area, Stephens County, Okla.	15.0	14.65
CI64-864 B 1-30-64	W. J. Newman	Kentucky-West Virginia Gas Co., acreage in Floyd County, Ky.	Depleted	
CI64-865 A 1-30-64	Tex-Star Oil & Gas Corp	El Paso Natural Gas Co., Martinez Unit, La Plata County, Colo.	14.0	15.025
CI64-866 A 1-31-64	Texaco Inc	Colorado Interstate Gas Co., Patrick Draw-Desert Springs Area, Sweetwater County, Wyo.	14.5	14.65
CI64-867 A 2-3-64	W. A. Morel (Operator and Agent), et al. (partial succession).	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	[6] 11.0	14.65
CI64-868 A 2-3-64	Odessa Natural Gasoline Co	Northern Natural Gas Co., Lipscomb Tonkawa Field, Lipscomb County, Tex.	17.0	14.65
CI64-869 A 2-3-64	Southwest Petroleum Management Corp. (Operator).	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	10.0	14.65
CI64-870 B 2-3-64	Philip Lemon, et al	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Uneconomical	
CI64-871 B 2-3-64	Phillips Petroleum Co	Texas Eastern Transmission Corp., Brysch Unit, West George West Field, Live Oak County, Tex.	Depleted	
CI64-872 A 2-3-64	Humble Oil & Refining Co	Colorado Interstate Gas Co., Patrick Draw Field, Sweetwater County, Wyo.	14.5	14.65
CI64-873 A 2-3-64	Crystal Oil and Land Co	United Gas Pipe Line Co., acregae in Bossier Parish, La.	12.5252	15.025
CI64-874 A 2-5-64	Francis Cain	Cabot Corp., Center District, Calhoun County, W. Va.	15.2	15.325
CI64-875 A 2-5-64	Sunray DX Oil Co	Arkansas Louisiana Gas Co., North Enid Field, Garfield County, Okla.	12.0	14.65
CI64-876 B 2-6-64	Bobby M. Burns	Kansas-Nebraska Natural Gas Co., Inc., acreage in Morgan County, Colo.	Declined in pressure	
CI64-877 A 2-4-64	Chesley Pruet	Southern Natural Gas Co., acreage in Walthall County, Miss.	21.5	15.025

[1] Applicant filed notice of change in corporate name.
[2] Price is 30.0 cents per Mcf for months of May through October.
[3] Amendment to certificate filed to add interest of coowner.
[4] Application previously noticed, on Oct. 8, 1963, in Phillips Petroleum Company, et al.—Docket Nos. G-3491, et al., at an erroneous price.
[5] 12.12268 cents per Mcf is the last unsuspended rate of predecessor. Applicant proposes to succeed to rate increases up to 17.24347 cents per Mcf which have been filed and are now being collected subject to refund in Docket Nos. G-22001 and RI61-123.
[6] The initial price was increased to 17.2295 cents per Mcf pursuant to amendatory agreement dated Oct. 26, 1959, but was suspended by the Commission on April 20, 1960, in Docket No. RI60-276.

[F.R. Doc. 64-1528; Filed, Feb. 14, 1964; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

H. C. TURNER, JR.

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Turner Construction Company—New York—Chairman, President, Director
Provident Tradesmens Bank and Trust Co—Philadelphia, Penna.—Director
Liberty Mutual Insurance Co., Boston, Mass.—Director
Colonial Williamsburg, Inc., Williamsburg, Virginia—Trustee.

Securities:	*Shares*
Aztec Oil & Gas Company	249
Babcock & Wilcox	350
Bendix Aviation Corp	77
British American Oil Co	100
Calgary & Edmonton	300
Clevite, Inc	50
Dillingham Corporation	100
Dominion Tar & Chemical Co., Ltd	250
E. I. du Pont de Nemours	40
General Motors Corp	15
Johns Manville Corporation	100
Kern County Land Co	50
Perkin-Elmer Corporation	100
Standard Oil Company of California	155
Standard Oil Company of New Jersey	100
Texaco, Inc	124
Tex-Star Oil & Gas Corp	200
H. I. Thompson Fiber Glass	200
United States Rubber	60

This amends statement previously published June 21, 1963 (28 F.R. 6417).

Dated: December 4, 1963.

H. C. TURNER, Jr.

[F.R. Doc. 64-1531; Filed, Feb. 14, 1964; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

RHODE ISLAND HOSPITAL TRUST CO.

Order Approving Acquisition of Bank's Assets

In the matter of the application of Rhode Island Hospital Trust Company for approval of acquisition of assets of Wickford Savings Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Rhode Island Hospital Trust Company, Providence, Rhode Island, a member bank of the Federal Reserve system, for the Board's prior approval of its acquisition of assets of Wickford Savings Bank, Wickford, Rhode Island.

As an incident to such application, Rhode Island Hospital Trust Company has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment of a branch by that bank at the present location of Wickford Savings Bank. Notice of the proposed acquisition of assets, in form approved by the Board of Governors, has been published pursuant to said Bank Merger Act.

Upon consideration of all relevant material, including the reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed transaction,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that said acquisition of assets and establishment of a branch shall not be consummated (a) within seven calendar days following the date of this Order, or (b) later than three months after said date.

Dated at Washington, D.C. this 10th day of February 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-1519; Filed, Feb. 14, 1964; 8:47 a.m.]

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY

COMPLIANCE REPORT

Notice of Revision of Standard Form 40, and Extension of Time for Filing

All contractors and subcontractors who are subject to the reporting requirements of Executive Order 10925 requiring the use of Standard Form 40 (Compliance Report) of the President's Committee on Equal Employment Opportunity are hereby advised that Standard Form 40 is being revised to conform to the provisions of Executive Order 10925 of March 6, 1961 (26 F.R. 1977) as amended by Executive Order 11114 of June 22, 1963 (28 F.R. 6485). Contractors and subcontractors shall not use the present Standard Form 40 (dated December 1961) for filing compliance reports. Instead the revised Standard Form 40 shall be used. It is expected that the revised Standard Form 40 will be available on or about March 1, 1964. Annual compliance reports normally due on March 31 shall be filed within 60 days after the revised Standard Form 40 becomes available. All other compliance reports shall be filed in accordance with the instructions attached to the form.

HOBART TAYLOR, Jr., *Executive Vice Chairman.*

[F.R. Doc. 64-1616; Filed, Feb. 14, 1964; 10:22 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2977]

ALAN-RANDAL CO., INC.

Notice and Order for Hearing

FEBRUARY 11, 1964.

I. Alan-Randal Co., Inc. (issuer), 11608-11622 Ventura Blvd., Studio City, California, a California corporation, filed with the San Francisco Regional Office on October 27, 1961, a notification on Form 1-A and an offering circular, relating to a proposed offering of 120,000 shares of its $1.00 par value common stock at $2.50 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 15, 1964, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 9, 1964, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters set forth in section II of the Commission's order dated January 15, 1964, which temporarily suspended the Regulation A exemption of Alan-Randal Co., Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Alan-Randal Co., Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commision and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before March 5, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1516; Filed, Feb. 14, 1964; 8:47 a.m.]

[File No. 2-7313]

AMERICAN INSURANCE CO.

Notice of Application for Exemption

FEBRUARY 11, 1964.

Notice is hereby given that The American Insurance Company, a corporation organized under the laws of New Jersey ("issuer"), has filed an application pursuant to Rule 15d-20 of the general rules and regulations under the Securities Exchange Act of 1934 ("Act") for an order exempting the issuer from the operation of section 15(d) of the Act with respect to the duty to file any reports required by that section and the rules and regulations thereunder.

Rule 15d-20 permits the Commission, upon application and subject to appropriate terms and conditions, to exempt an issuer from the duty to file annual and other periodic reports if the Commission finds that all outstanding securities of the issuer are held of record, as therein defined, that the number of such record holders does not exceed fifty persons, and that the filing of such reports is not necessary in the public interest or for the protection of investors.

On December 8, 1947, Registrant's Registration Statement (File No. 2-7313) Form S-1 covering an offering of 662,504 shares of capital stock, par value $2.50, was declared effective.

The application represents with respect to the request for exemption that: all of the outstanding securities of Registrant are held of record and consist of 4,200,708 shares of capital stock of which 4,198,397 shares are held by Fireman's Fund Insurance Company, a California corporation, and the remaining 2,311 shares are held by forty-seven shareholders.

The application alleges that the filing of further reports required by section 15(d) of the Act and the rules and regulations thereunder is not necessary in the public interest or for the protection of investors. The Registrant intends to make available to its remaining stockholders its annual financial statements containing a balance sheet and an earnings statement.

Notice is further given that an order granting the application upon such terms

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Unanimous, with all members present.

and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after March 16, 1964, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 10, 1964, at 5:30 p.m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of facts or law raised by the application which he desires to controvert.

By the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1517; Filed, Feb. 14, 1964; 8:47 a.m.]

[File No. 24SF-2941]

AUTOMATA INTERNATIONAL, INC.

Notice and Order for Hearing

FEBRUARY 11, 1964.

I. Automata International, Inc. (issuer), 5369 West Pico, Los Angeles, California, a California corporation, filed with the San Francisco Regional Office on August 22, 1961, a notification on Form 1-A and an offering circular, relating to a proposed offering of 300,000 shares of its no par value common stock at $1.00 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on January 15, 1964, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., P.s.t., on March 10, 1964, at the Los Angeles Branch Office of the Commission, Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles 28, California, with respect to the matters set forth in Section II of the Commission's order dated January 15, 1964, which temporarily suspended the Regulation A exemption of Automata International, Inc., without prejudice, however, to the specification of additional issues which may be presented in these proceedings.

III. *It is further ordered,* That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under Sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Automata International, Inc., and that notice of the entering of this order shall be given to all persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in the hearing shall file with the Commission on or before March 6, 1964, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-1518; Filed, Feb. 14, 1964; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 12, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 38808: *Iron or steel bars to points in Minnesota.* Filed by Western Trunk Line Committee, agent (No. A-2349), for interested rail carriers. Rates on iron or steel bars, in carloads, from Alton, Chicago, and Chicago group points, East St. Louis, Federal, and Indian Oaks, Ill., also Gary, Ind., to Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 72 to Western Trunk Line Committee, agent, tariff I.C.C. A-4271.

FSA No. 38809: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 241), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38810: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 242), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38811: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 243), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38812: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 244), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38813: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 245), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38814: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 246), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38815: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 247), for interested carriers. Rates on various commodities moving on class and commodity rates

over joint routes of applicant rail and motor carriers, between points in Central States, Middle West and Southwestern territories, on the one hand, and points in Middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

FSA No. 38816: *Petroleum and petroleum products between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 495), for interested rail carriers. Rates on petroleum and petroleum products, in tank car loads, from, to and between points in Texas.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff: Supplement 32 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 963.

FSA No. 38817: *Petroleum and petroleum products to WTL and IFA territories.* Filed by Southwestern Freight Bureau, agent (No. B-8505), for interested rail carriers. Rates on petroleum and petroleum products, in tank car loads, from points in Southwestern and midcontinent territories, to points in Western trunk-line and Illinois Freight Association territories.

Grounds for relief: Carrier competition.

Tariffs: Supplements 101, 331, and 3 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4410, 4279 and 4557, respectively.

FSA No. 38818: *Bituminous coal to Notre Dame, Ind.* Filed by Illinois Freight Association, agent (No. 225), for interested rail carriers. Rates on bituminous coal, in carloads, subject to minimum of 1,000 tons of 2,000 pounds per shipment, from mine origins in Illinois and western Kentucky, to Notre Dame, Ind.

Grounds for relief: Natural gas competition.

Tariffs: Supplement 81 to Baltimore and Ohio Railroad Company tariff I.C.C. 3179, and other schedules listed in the application.

FSA No. 38819: *Grains to points in Colorado and Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-8502), for interested rail carriers. Rates on barley, corn (not pop corn), oats, sorghum grains, rye, also hominy feeds, in carloads, from points in New Mexico, Oklahoma, and Texas, to points in Colorado and Wyoming.

Grounds for relief: Unregulated motortruck competition.

Tariffs: Supplement 9 to Southwestern Freight Bureau, agent, tariff I.C.C. 4516 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-1541; Filed, Feb. 14, 1964; 8:49 a.m.]

[Rev. S.O. No. 562; Taylor's I.C.C. Order No. 164-A]

LEHIGH VALLEY RAILROAD

Vacation of Order

Upon further consideration of Taylor's I.C.C. Order No. 164 (Lehigh Valley Railroad) and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I.C.C. Order No. 164, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 8:30 a.m., February 12, 1964.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., February 11, 1964.

INTERSTATE COMMERCE COMMISSISN,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-1542; Filed, Feb. 14, 1964; 8:49 a.m.]

[Rev. S. O. No. 562; Taylor's I.C.C. Order No. 165]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, The Central Railroad Company of New Jersey, because of the independent tugboat operators strike, is unable to transport traffic routed to Pier 18, New York Harbor on its line.

It is ordered, That:

(a) Rerouting traffic: The Central Railroad Company of New Jersey and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:30 p.m., February 12, 1964.

(g) Expiration date: This order shall expire at 11:59 p.m., February 29, 1964, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 11, 1964.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 64-1543; Filed, Feb. 14, 1964; 8:49 a.m.]

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