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FEDERAL REGISTER

VOLUME 29 NUMBER 47

Washington, Saturday, March 7, 1964

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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11143

PUBLIC ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

WHEREAS participation by the United States in the forthcoming international trade negotiations has been made possible by enactment of the Trade Expansion Act of 1962;

WHEREAS these international trade negotiations will have a significant impact upon the economy as well as upon the international relations of the United States; and

WHEREAS the agencies of the United States Government concerned, and, in particular, the Office of the Special Representative for Trade Negotiations, require the advice of public representatives of the economy of the United States in preparing for and participating in these international trade negotiations;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment and membership of Committee.* (a) There is hereby established a committee to be known as the Public Advisory Committee for Trade Negotiations (hereinafter referred to as the Committee).

(b) The Committee shall be composed of not less than 30 and not more than 40 members, who shall serve without compensation. The members, other than the Chairman, shall be designated by the President from among appropriately qualified citizens of the United States outside the United States Government, and shall be representative of the economy of the United States.

SEC. 2. *Functions of Committee.* (a) The Committee shall advise the Special Representative for Trade Negotiations with respect to such matters as he may specify pertaining to the preparation for and the participation in international trade negotiations.

(b) The Committee shall be chaired by the Special Representative for Trade Negotiations or his Deputy and shall meet upon the request of the Special Representative for Trade Negotiations or his Deputy.

SEC. 3. *Regulations.* (a) The provisions of Sections 4, 6(a), 6(b), 6(c), 6(f), and 10 of Executive Order No. 11007 of February 26, 1962, are hereby adapted and made applicable to the Committee.

(b) The Special Representative for Trade Negotiations shall be responsible for assuring compliance with the above-indicated provisions of Executive Order No. 11007 in relation to the Committee, and he is authorized to exercise the authority contained in sections 6(f) and 10(a) of that order and to prescribe such additional regulations with respect to the Committee as he may deem necessary.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 2, 1964.

[F.R. Doc. 64-2288; Filed, Mar. 5, 1964; 4:39 p.m.]

Executive Order 11144

ESTABLISHING THE TEMPORARY ALASKA CLAIMS COMMISSION

WHEREAS subsection (a) of Section 46 of the Alaska Omnibus Act provides, in part, as follows:

> In the event that any disputes arise between the United States and the State of Alaska prior to January 1, 1965, concerning the transfer, conveyance, or other disposal of property to the State of Alaska pursuant to section 6(e) of the Act of July 7, 1958 (72 Stat. 339, 340), providing for the admission of the State of Alaska into the Union, or pursuant to this Act, the President is authorized (1) to appoint by and with the advice and consent of the Senate a temporary commission of three persons, to consider, ascertain, adjust, determine, and settle such disputes, and (2) to make such rules and regulations as may be necessary to establish such temporary commission or as may be necessary to terminate such temporary commission at the conclusion of its duties;

WHEREAS agreement has been reached on the transfer of substantial amounts of property from the Federal Government to the State of Alaska;

WHEREAS a dispute as described in the above-quoted statutory provision has arisen with respect to certain listed properties;

WHEREAS the Governor of the State of Alaska has formally requested that the President appoint a commission as provided in that statutory provision; and

WHEREAS I deem the establishment of such a commission to be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the Alaska Omnibus Act (P.L. 86–70, approved June 25, 1959; 73 Stat. 141 et seq.), and as President of the United States, it is ordered as follows:

SECTION 1. *The Commission.* (a) There is hereby established a commission which shall be known as the Temporary Alaska Claims Commission (hereinafter referred to as the Commission).

(b) The Commission shall be composed of three persons, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who are not officers or employees of either the United States or the State of Alaska. The President shall from time to time designate one of the persons composing the Commission to be the chairman thereof.

(c) The General Services Administration is hereby designated as the agency which shall provide administrative services for the Commission on a reimbursable basis.

SEC. 2. *Functions of the Commission.* (a) With respect to certain property which was on December 31, 1959, owned or held by the United States and controlled by the Fish and Wildlife Service of the Department of the Interior or its subdivisions as listed on the attachment hereof headed "SCHEDULE OF PROPERTY", the Commission shall perform the functions and exercise the powers vested in it by the provisions of Section 46 of the Alaska Omnibus Act. In so doing, the Commission shall consider, ascertain, adjust, determine, and settle the dispute which has arisen between the United States and the State of Alaska concerning the transfer, conveyance, or other disposal to the State of Alaska of the said property. The attached "SCHEDULE OF PROPERTY", mentioned above, is hereby made a part of this order.

(b) The Commission shall timely report to the Secretary of the Interior its settlements with respect to the said listed property.

SEC. 3. *Transfer of property.* To the extent necessitated by settlements made by the Commission in respect of the property listed on the hereto attached "SCHEDULE OF PROPERTY", the Secretary of the Interior, under the authority of subsection (e) of Section 6 of the Act of July 7, 1958, or under the authority of subsection (a) of Section 45 of the Alaska Omnibus Act as affected by Section 2 of Executive Order No. 10857 of December 29, 1959, as the case may be, shall transfer, convey, or otherwise dispose of the said property to the State of Alaska.

SEC. 4. *Termination of Commission.* The Commission shall terminate 60 days after the date of the delivery of its report to the Secretary of the Interior under the provisions of subsection (b) of Section 2 of this order or upon such earlier or later date as the President shall hereafter specify.

LYNDON B. JOHNSON

THE WHITE HOUSE,
March 5, 1964.

SCHEDULE OF PROPERTY*

	Location of property in Alaska	Nature of property	Quantity of property	General identification or description of property**
I	Anchorage	Buildings	6	The six buildings comprise an aircraft depot and include (1) two hangars (one of which has office space and laboratory space), (2) two warehouses (one of which is referred to as "Hood Lake"), and (3) two small utility buildings.
II	Dillingham	Buildings	2	Residences.
III	Fairbanks	Buildings	3	The three buildings comprise one facility and include (1) one office building (having six offices, full basement, dark room, laboratory, a two-car garage, and one gasoline pump), (2) one hangar, 50′ x 60′ (having room for four light aircraft and having a 12′ x 20′ heated shop), and (3) one warehouse, 12′ x 20′, unheated.
IV	Fairbanks	Land	1 parcel	1,500 acres, comprising the Reindeer Experimental Station near Fairbanks.
V	Fort Yukon	Buildings	2	The two buildings comprise one facility and include (1) one warehouse, 12′ x 20′, and (2) one log cabin, 14′ x 20′.
VI	Juneau	Vessel	1	Name: Grizzly Bear.
VII	Juneau	Power scow	1	Name: Murre II.
VIII	Ketchikan	Vessel	1	Name: Polar Bear.
IX	Kodiak	Dock and warehouse.	1	This facility consists of (1) a dock 14′ x 67′, and (2) a storage building of 1,248 square feet.
X	----------	Vessel	1	Name: Sockeye.
XI***	----------	Aircraft	20	The 20 aircraft consist of: 6 Grumman "Goose" planes. 7 Super Cub planes. 7 Cessna planes.

*Cf. Section 2 of the Executive order.
**Dimensions and areas stated are approximate.
***Item XI of the "SCHEDULE OF PROPERTY" reflects the substance of the following excerpt from an October 9, 1963, letter of the Attorney General of the State of Alaska to Mr. Lee C. White, the White House, Washington, D.C.:

"The following are the properties we are claiming for the State of Alaska:

"

"III. *Aircraft*
A. Six Grumman 'Goose'
B. Seven Super Cubs
C. Seven Cessna"

In his letter of February 13, 1964, to the Director of the Bureau of the Budget, the Administrative Assistant Secretary of the Interior has observed, in relation to the above: ". . . the number of aircraft . . . should be reduced to 19 and 6 since one Super Cub plane has been lost."

[F.R. Doc. 64-2312; Filed, Mar. 6; 1964; 9:48 a.m.]

Rules and Regulations

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3343]

ALASKA

Revoking Public Land Order No. 1408 of April 5, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1408 of April 5, 1957, which reserved for administration or transfer the following-described lands in accordance with the provisions of the Act of May 4, 1956 (70 Stat. 130), is hereby revoked:

(Anchorage 030441)

SEWARD MERIDIAN

T. 16 N., R. 3 W.,
Sec. 3, E½E½ of lot 5.
T. 17 N., R. 2 W.,
Sec. 8, lot 10.
T. 18 N., R. 3 W.,
Sec. 25, SE¼SE¼NW¼, that portion above mean high water;
Sec. 35, lot 8.

The tracts described contain 23.74 acres.

(Anchorage 031058)

SEWARD MERIDIAN

T. 20 N., R. 6 E.,
Sec. 24, lot 3.
T. 20 N., R. 7 E.,
Sec. 19, lot 1.

The areas described aggregate 67.24 acres.

2. Until 10:00 a.m. on June 1, 1964, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b); Section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

3. This order shall not otherwise become effective to change the status of the lands until 10:00 a.m. on June 1, 1964. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State, received at or prior to 10:00 a.m. on June 1, 1964, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

MARCH 3, 1964.

[F.R. Doc. 64–2224; Filed, Mar. 6, 1964; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 554—EXCHANGE SERVICE

Miscellaneous Amendments

Sections 554.8, 554.9, and 554.11 are revised to read as follows:

§ 554.8 Authorized activities.

(a) All authorized revenue producing merchandise and service activities financed with nonappropriated funds as defined by AR 230–5 and AFR 176–1 will be operated as exchange activities except:

(1) Army or Air Force motion picture theaters.

(2) Book departments at authorized service schools.

(3) Post or base restaurants.

(4) Class VI agencies outside the United States established by oversea major commanders for the sale and distribution of alcoholic beverages other than malt beverages.

(5) Publication of magazines, newspapers, and similar periodicals.

(b) The following activities that also engage in or involve resale of limited merchandise and services are exempt from exchange management; however, this will not preclude the sale of similar items at installation exchanges.

(1) Officers', noncommissioned officers', aviation cadets', enlisted airmen's open messes.

(2) Special Services crafts reimbursable supply program.

(3) Vending machines at off-post and off-base U.S. Army Reserve Training Centers.

(4) Vocational training fund activities at U.S. disciplinary barracks.

(5) Oversea military transient billeting facilities.

(6) Activities conducted by nonappropriated welfare and sundry funds involving the collection of service charges.

(7) When authorized by the responsible commander, the sale at bowling alleys of bowling supplies, tobacco, food, and beverages, and the sale at golf courses of golf equipment available only to golf professionals registered with an accredited professional golfers' association.

(8) The sale of items not otherwise specified may be authorized by the major commander in circumstances where such action is consistent with the mission and objectives of the exchange.

(c) The operation of or solicitation by independent civilian enterprises consisting of or dealing in merchandise or services which are authorized to be furnished by exchanges is prohibited on military installations except upon determination by the installation commander that it is impracticable for the exchange to provide the merchandise or services either directly or by concession or other agreement.

§ 554.9 Procurement.

(a) The Chief, A&AFES, is vested with the responsibility and authority for procurement of A&AFES merchandise, supplies, services, and equipment with power of redelegation as outlined in applicable departmental regulations.

(b) Exchange procurement will be conducted on the basis of full and free competition to the maximum extent practicable, and consistent with the immunity of exchanges from State regulation and control. Award will be made to that responsive and responsible contractor whose offer is most advantageous to the exchange, price and other factors considered.

(c) Procurement of merchandise, equipment, supplies, and services of United States origin for oversea exchanges, including preliminary communications and negotiations relating thereto, will be accomplished only through or as authorized by, the Chief, A&AFES.

(d) Merchandise will neither be received nor held under any agreement which stipulates that payment for it will be made after sale unless approved by the Chief, A&AFES.

§ 554.11 Exchange personnel.

(a) *Military.* Army and Air Force officers will be in executive control of the A&AFES. Enlisted personnel will only be assigned to exchange duty as prescribed in applicable directives. Enlisted personnel employed during off-duty hours to supplement available civilian manning will be compensated from A&AFES funds.

(b) *Civilian.* Civilian personnel paid from A&AFES funds will be utilized to satisfy normal administrative and operational manning requirements within the exchange service. Policies and procedures governing the administration of A&AFES civilian employees will be in accordance with the Act of 19 June 1952 (5 U.S.C. 150k, k–l) and applicable departmental directives.

[AR 60–10, January 30, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

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

[F.R. Doc. 64–2221; Filed, Mar. 6, 1964; 8:47 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Miscellaneous Amendments

Scope and purpose. The amendments update Parts 713 and 730 in accordance with recent changes to the Bureau of Naval Personnel Manual (distributed as Change No. 9 to naval commands).

1. Section 713.10 is revised to read as follows:

§ 713.10 District and CNARESTRA Boards.

(a) In order to insure that items brought before the National Board represent items of concern to the greatest number of Naval Reservists, Commandants and the Chief of Naval Air Reserve Training shall convene, at least once a year, Naval Reserve Policy Boards for the purpose of referring to the National Board, matters of policy which, in the opinion of these Boards, should be given consideration by the National Board.

(b) Each such Board should be composed of not more than five (5) representative inactive duty Naval Reservists, officers or enlisted, plus such Regular or Reserve officers on active duty as the Commandant or CNARESTRA may desire. In order to lend continuity of experience, the members of the National Board and their alternates, as practicable, should be members of their respective District/CNARESTRA Boards during their tenure and for one year after termination of their membership on the National Board. All other members of the Boards should be appointed for a two-year tenure with 50 percent of the memberships expiring each year.

(c) Commandants and CNARESTRA are authorized to issue temporary active duty orders for up to 15 days to inactive duty Naval Reservists, for membership on District/CNARESTRA Boards. This temporary active duty may be in addition to normal annual training duty periods. Costs for inactive duty Reservists are chargeable to the appropriation "Reserve Personnel, Navy" and the allotment applicable to the addressees. Costs for temporary additional duty orders for officers on active duty are chargeable as an administrative function of the Commandant/CNARESTRA.

(d) Individual Reservists are not authorized to submit items directly to the National Board, but may submit Naval Reserve policy items for consideration by District and CNARESTRA Boards as prescribed by the respective Commandants and CNARESTRA. If the problem is deemed of sufficient importance, it should then be referred to the entire District/CNARESTRA Board for study and comment and the results thereof forwarded via the Commandant or CNARESTRA to the President of the National Board. Problems of less urgent nature should be referred to the District/CNARESTRA Board members for study; with a discussion thereof being held at the annual Board meeting.

(e) Commandants and CNARESTRA are enjoined to make certain that items referred to the National Board are based upon factual information and are applicable to a broad segment of the Naval Reserve. Items considered by Boards which are local in nature or amenable to administrative solution should be handled locally or placed in appropriate administrative channels. Items disapproved by District/CNARESTRA Boards should be forwarded to the National Board only if there is good reason for further consideration. Whenever such an item, in the opinion of the Commandant/CNARESTRA, should be considered by the National Board or would provide that Board greater insight into the development of effective Naval Reserve policy, forwarding is encouraged and desirable.

2. Section 713.14 is revised to read as follows:

§ 713.14 Duties of District Naval Reserve Inspection Boards.

(a) District Naval Reserve Inspection Boards shall conduct annual inspections of all facilities and organizations of the Naval Reserve except units located in areas remote from Naval Reserve Training Centers, and units whose composition, size, infrequency of meetings and other characteristics, as determined by Commandants, render a formal inspection unwarranted.

(b) Inspections conducted by the National Naval Reserve Inspection Board may, at the discretion of the Commandant, be utilized in lieu of a District inspection.

3. Section 713.35 is amended by revising paragraph (f)(1) and (2)(i) to read as follows:

§ 713.35 Exemption or deferment from induction by participation in Naval Reserve training.

* * * * *

(f) *Reports.* (1) Reports on DD Form 44 (Record of Military Status of Registrant) shall be made to the appropriate Selective Service local board on all Ready Reservists who have not yet reached their twenty-sixth birthday.

(2) This report shall be submitted on the following occasions:

(i) upon enlistment, except when individual has not reached his 18th birthday.

* * * * *

4. Section 713.213 is amended by revising paragraph (e) to read as follows:

§ 713.213 Annual qualifications questionnaire-Inactive Reserve (NavPers 319).

* * * * *

(e) *Control of mailing and receipt.* Commanders may institute any system desired to control the mailing and receipt of questionnaires, exerting maximum effort to obtain the current information from reserve officers which is essential to sound mobilization planning.

5. Section 713.321 is revised to read as follows:

§ 713.321 Responsibility for procurement.

(a) In implementing policies established by the Secretary of the Navy relative to the over-all needs of the Naval Establishment for Naval Reserve officers, the Chief of Naval Personnel will issue appropriate procurement directives to Navy Recruiting Stations and to other service activities. These directives will contain the basic authority for the procurement of Naval Reserve officers and officer candidates and will outline specific requirements of procurement programs involved, as well as processing procedures.

(b) Officers in charge of the Navy Recruiting Stations and other activities specifically designated by the Chief of Naval Personnel shall process and recommend civilian applicants and enlisted Naval Reserve applicants not on active duty for appointment as officers and officer candidates of the Naval Reserve, in accordance with directives issued by the Chief of Naval Personnel.

(c) Commanding officers of enlisted personnel on active duty shall forward applications of persons within their commands who are applicants for appointment in the Naval Reserve and who are applying for appointment under the authority of specific directives issued by the Chief of Naval Personnel.

(d) The Chief of Naval Personnel will approve or disapprove applications for appointment in the Naval Reserve and may recommend such applicants as meet requirements to the Secretary of the Navy for appointment. In making recommendations, due consideration will be given by the Chief of Naval Personnel to the recommendations of the Navy Recruiting Stations or the commanding officer through whom the application is submitted, to the representative of the bureau or office of the Navy Department having cognizance of the specialty for which the appointment is sought as to professional qualifications, and to the recommendations of the Bureau of Medicine and Surgery as to physical qualifications.

6. Section 713.324 is amended by revising paragraph (a) to read as follows:

§ 713.324 Procedures for making application for appointment.

(a) Except as provided in § 713.326, civilian applicants and enlisted reservists not on active duty may apply for appointments as officers or midshipmen at Navy Recruiting Stations.

* * * * *

7. Section 713.325 is amended by redesignating paragraphs (c) to (h) as

(d) to (i) and inserting a new paragraph (c) to read as follows:

§ 713.325 Qualifications for original appointment.

* * * * *

(c) Those applicants selected for appointment in a restricted line (other than law specialist) category and the Civil Engineer Corps, who hold doctorate degrees from accredited colleges or universities pertaining to or allied with the categories in which they are commissioned, when considered qualified for original appointment under applicable Recruiting Service Instructions shall be appointed as permanent lieutenants (junior grade), USNR, with a date of rank 18 months preceding the date of such appointment. Applicants selected for appointment who possess Master's Degrees or who have had three years of postgraduate professional experience in a field considered to be of special value to the Navy shall be appointed as temporary lieutenants (junior grade) with a current date of rank and as permanent ensigns, USNR, with a date of rank 18 months prior to their date of rank as temporary lieutenants (junior grade), USNR.

* * * * *

8. Section 713.326 is amended by revising paragraph (a) (4) and (5), revising and redesignating paragraph (a) (6) and (7) as (a) (7) and (8), respectively, and inserting a new paragraph (a) (6), to read as follows:

§ 713.326 Officer candidate and student officer procurement.

* * * * *

(4) The Naval Aviation Cadet (NavCad) Program is open to unmarried men between the ages of 18 and 25 who meet the physical, professional, and psychological standards required for flight training. A person over 25 years of age who is otherwise qualified may be enlisted in the program when justified by exceptional circumstances and approved by the Secretary of the Navy. Selected applicants for this program who successfully complete the prescribed flight training are designated as naval aviators and commissioned in the Naval Reserve.

(5) The Aviation Officer Candidate (AOC) Program is for selected college graduates between the ages of 19 and 26, unless otherwise authorized by the Secretary of the Navy, who meet the physical, professional and psychological standards required for flight training. Selected civilian applicants are enlisted in the Naval Reserve as Aviation Officer Candidates. Selected enlisted applicants enter the program as Officer Candidates in their present pay grade, but not lower than pay grade E–2. Aviation Officer Candidates who successfully complete the four months Officer Indoctrination Course, if qualified, are commissioned as ensigns in the Naval Reserve, and upon successful completion of flight training are designated Naval Aviators.

(6) The Naval Aviation Officer Candidate (NAOC) Program is for selected college graduates between 19 and 27½ years of age at the time of appointment who meet the physical, professional and psychological standards required for this training. Selected civilian candidates are enlisted in the Naval Reserve as NAOC (1355) SA. Selected enlisted applicants enter this program in their present pay grade, but in no case lower than pay grade E–2. Naval Aviation Officer Candidates who successfully complete the four-month Officer Indoctrination Course, if qualified, are commissioned as Reserve Officers in the U.S. Navy, and are then assigned specialized training as Naval Aviation Observers or Aviation Specialists.

(7) The Nursing Education Program: The Nursing Education Program provides an avenue whereby selected women of the U.S. Navy and Naval Reserve on active duty may qualify for appointment in the Nurse Corps, Naval Reserve after appropriate subsidized training in approved nursing schools. Detailed information concerning this program is contained in current Bureau of Naval Personnel directives.

(8) The Navy Nurse Corps Candidate Program is for selected civilian women students enrolled in approved nursing schools. Accepted applicants are enlisted in the Naval Reserve in pay grade E–3 for active duty during the final scholastic year. Following graduation and receipt of a baccalaureate degree in nursing, if qualified, participants are appointed in the Nurse Corps, Naval Reserve. Detailed information concerning this program is contained in current instructions.

9. Section 713.351 is amended by revising paragraph (k) (1) (iii), (2) and (2) (i) to read as follows:

§ 713.351 Orders to inactive-duty training.

* * * * *

(k) Termination policies for officer and enlisted personnel assigned to Selected Reserve units of the Naval Reserve:

(1) *Mandatory.* * * *

(iii) When a Reservist is ordered to active duty or temporary active duty for periods of more than 180 days. (Their orders to inactive duty training shall be terminated by the command issuing the active duty (ACDU) or temporary active duty (TEMAC) orders. Personnel in either of these categories shall be required to request attachment or association with units upon their return in the same manner as prescribed for initial affiliation.)

* * * * *

(2) *Optional.* Unless otherwise prohibited by existing instructions (BUPERSINST 1570.3 (series), Subj: participation for enlisted Reservists prior to commencement of active duty, concerns 2 x 6 obligors who are not included under the provisions of this section), commandants and CNARESTRA are authorized to terminate pay orders of officers, and unit commanding officers the pay orders of enlisted personnel, attached to, or associated with, Selected Reserve units of the Naval Reserve under the following circumstances:

(i) When a Reservist is ordered to temporary active duty for periods totaling 180 days or less. The Reservist's orders to inactive duty training may be modified by the command issuing the TEMAC orders. This modification is not mandatory, but may be executed at the discretion of the command issuing the TEMAC orders. If this modification is applied, it shall be accomplished by including in the TEMAC orders, or in separate correspondence, the following: "Your orders to inactive duty training are not terminated, but are not effective during your period of temporary active duty. Your orders to inactive duty training are effective the date of the completion of your temporary active duty." If this modification is not applied to a Reservist's inactive duty training orders, they shall be terminated, effective the effective date of the TEMAC orders. In those cases where modifications are issued, the commandants and CNARESTRA should insure that a suitable billet in a drilling unit is available to the Reservist upon completion of his temporary active duty.

* * * * *

10. Section 713.353 is amended by revising paragraph (b) to read as follows:

§ 713.353 Orders to active service.

* * * * *

(b) In time or war, or national emergency, declared by the Congress or proclaimed by the President, or when otherwise authorized by law, orders to both officers and enlisted personnel to perform active naval service will be issued by the Chief of Naval Personnel or, under his instructions, by:

Commandants of naval districts and river commands.
Chief of Naval Air Reserve Training.
Fleet or force commanders.
Commanding officers of: Naval Reserve training centers, Naval Reserve and Marine Corps Reserve training centers, naval air stations and naval air reserve training units.
Commanding Officer, Naval Reserve Manpower Center.
Officers in charge, mobilization stations (when activated), or
Other officers who may be designated by the Secretary of the Navy.

Mobilization orders, issued in time of peace, to be executed in time of war, or national emergency or when otherwise authorized by law may be issued in accordance with the provisions of this paragraph.

* * * * *

11. Sections 713.421 to 713.430, heretofore reserved, are added to read as follows:

RETIREMENT

§ 713.421 Introduction.

The Retired Reserve is composed of members of the Naval Reserve who have been transferred thereto, either voluntarily or involuntarily, without pay. The

Naval Reserve Retired List is composed of members of the Naval Reserve transferred thereto with pay (10 U.S.C. 6017). Members transferred to the Retired Reserve may subsequently qualify for transfer to the Naval Reserve Retired List and will be so transferred upon application provided they are found eligible in all respects.

§ 713.422 Voluntary transfer to Retired Reserve without pay.

(a) A member of the Naval Reserve will, upon his own application, be transferred to the Retired Reserve provided he meets at least one of the following requirements:

(1) Has completed a total of 20 years of honorable service in any component of the Armed Forces; or

(2) Has been found physically disqualified for active duty as a result of a service-connected disability regardless of total years of service completed.

(b) A member of the Naval Reserve may, upon his own application and in the discretion of the Secretary of the Navy, be transferred to the Retired Reserve provided he meets at least one of the following requirements:

(1) Has completed 10 or more years of active Federal commissioned service.

(2) Has been found to be physically disqualified for active duty, not as a result of his own misconduct, regardless of total years of service completed.

(3) Has attained the age of 37 years and

(i) has completed a minimum of 8 years of qualifying service (8 years in which he has earned a minimum of 50 retirement points per year) subsequent to July 1, 1949, or

(ii) has completed a minimum of 8 years of service provided that he has served honorably on active duty in time of war or national emergency for at least 6 months, or

(iii) has consistently supported the Armed Forces in an outstanding manner, as determined by the Secretary of the Navy.

(c) Enlisted members must be serving within the unexpired term of an enlistment or valid extension thereof on the effective date of transfer to the Retired Reserve. Former members are not entitled to transfer to the Retired Reserve.

§ 713.423 Transfer to Retired Reserve without pay by reason of age.

(a) *Ensigns and above.* Under authority contained in 10 U.S.C. 6391, each officer in an active status or on the inactive status list in the Naval Reserve in a grade above chief warrant officer, W–4, will be transferred to the Retired Reserve without pay on the first day of the month following the month in which he becomes 62 years of age. The Secretary of the Navy may defer the transfer of any officer of the Naval Reserve in a grade above captain and retain him in an active status until he becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines. An officer who was initially appointed in the Naval Reserve before January 1, 1953, and who cannot complete 20 years of qualifying service for retired pay purposes before he becomes 62 years of age but can complete such service by the time he becomes 64 years of age, may be retained in an active status not later than the date on which he becomes 64 years of age.

(b) *Warrant officers.* Under authority contained in 10 U.S.C. 1164, each warrant officer of the Naval Reserve shall be transferred to the Retired Reserve or separated not later than the first day of the month following the date that is 60 days after the date on which the officer becomes 62 years of age for male officers, 55 years of age for female officers. The Secretary of the Navy may defer, for a period of not more than 4 months, the separation of any such officer if because of unavoidable circumstances, evaluation of the officer's physical condition and determination of entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when the officer would otherwise be required to be retired or separated. If the officer concerned was a Reserve warrant officer on November 1, 1954 and has not completed the required 20 years of qualifying service for retirement with pay on becoming 62 years old (for males, or 55 years for females), but can complete that service prior to the date which is 60 days after the date of attaining age 64 (for male warrant officers) or age 60 (for female warrant officers), separation may be deferred until the member concerned has completed 20 years of qualifying service, but not later than the date which is 60 days after the date of attaining age 64 (for male warrant officers) or age 60 (for female warrant officers).

§ 713.424 Transfer to Retired Reserve without pay—grade in which effected.

(a) *Officers.* Officers are normally transferred to the Retired Reserve in the grade in which serving at time of transfer. Exceptions to this general rule are as follows:

(1) *Ensigns and above.* (i) If served satisfactorily, as determined by the Secretary of the Navy, in the Navy or Naval Reserve in a grade higher than that held at time of transfer, will be transferred in such higher grade.

(ii) If recommended for promotion to a higher grade and if, before being promoted, is involuntarily transferred to the Retired Reserve as required by law for any reason other than for failure to comply with the standards and qualifications established pursuant to 10 U.S.C. 1002 for retention in an active status, will be transferred in the grade for which recommended for promotion.

(iii) Attainment of a higher grade as indicated in subdivision (i) or (ii) of this subparagraph will not entitle the member concerned to increased pay or other benefits unless otherwise provided by law.

(2) *Warrant officers.* Will be transferred in the permanent reserve warrant officer grade, if any, held on the day before the date of transfer, or in any higher warrant officer grade in which served on active duty under orders which did not specify a period of 30 days or less.

(b) *Enlisted personnel.* Enlisted personnel will be transferred to the Retired Reserve in the enlisted grade held at time of transfer.

§ 713.425 Procedure for requesting transfer to Retired Reserve without pay.

(a) A qualified member who desires transfer to the Retired Reserve shall request such transfer in writing, setting forth the desired date (which under the provisions of the Uniform Retirement Date Act, 5 U.S.C. 47a, must be effected on the first day of a month) and the reason for which transfer is requested. In order to provide for orderly processing, the requested retirement date should normally be the first day of the second month following the date the request is submitted. Unless otherwise specified, an applicant, if a member of a Reserve unit, shall submit the request to the Chief of Naval Personnel via the Commanding Officer, and the Commandant or Chief of Naval Air Reserve Training, as appropriate; if not a member of a Reserve unit, the request shall be submitted to the Chief of Naval Personnel via the Commanding Officer of the Naval Reserve Manpower Center, Bainbridge, Maryland. The Commanding Officer, the Commandant, or the Chief of Naval Air Reserve Training, as appropriate, shall terminate any existing orders to a drilling unit effective not later than the day immediately preceding the requested retirement date. In case of enlisted members who are serving in a current enlistment, the commanding officer or commandant, as appropriate, shall record the points earned by anniversary years during the current enlistment in the first endorsement on the application. In lieu of recording the points earned for each anniversary year, a certified copy of the Record of Naval Reserve Service (page 11 of the service record) may be forwarded as an enclosure to the member's application. The certified copy of page 11, if submitted, shall reflect the total points earned for each anniversary year of the current enlistment including all points earned up to the date of submission of the request for transfer. See also § 713.427(d)–(f), concerning pro rata credit for partial years.

(b) Enlisted members, in order to avoid possible ineligibility for transfer to the Retired Reserve because of expiration of enlistment and the operation of the Uniform Retirement Date Act (5 U.S.C. 47a), should specify as the desired date of transfer, the first day of any month prior to the month in which their enlistment will expire. The effective date of transfer to the Retired Reserve must be a date within the term of an enlistment contract or extension thereof. To allow sufficient processing time, applications should be forwarded at least 6 months prior to expiration of enlistment unless member plans to reenlist or extend.

§ 713.426 Transfer to Naval Reserve Retired List with pay after completion of 20 or more years of active service.

(a) Under authority contained in 10 U.S.C. 6323, any warrant or commissioned officer of the Naval Reserve who has completed more than 20 years of active service, of which at least 10 years was commissioned service (chief warrant officer, W–2, or above) may, upon application therefor and at the discretion of the Secretary of the Navy, be transferred to the Naval Reserve Retired List. Only active duty (including active duty for training) as a commissioned officer, warrant officer, enlisted man, appointed aviation cadet, or enlisted aviation cadet, in the Navy, Marine Corps, Army, Air Force, or Coast Guard, or in the Reserve components thereof, is creditable in determining eligibility for retirement. (Note: Prior enlisted service may not be credited in determining eligibility for retirement of individuals who were appointed as reserve nurses on or after August 25, 1959.) Each officer retired under this section will be retired in the highest grade, permanent or temporary, in which he served satisfactorily on active duty as determined by the Secretary of the Navy. If the Secretary determines that the officer did not serve satisfactorily in his highest temporary grade, he will be retired in the next lower grade but not lower than his permanent grade. A warrant officer who retires under this section, who has served satisfactorily in the grade of ensign or above, may elect retirement in his warrant grade or in the higher grade; if he elects retirement in the higher grade and the applicable basic pay of that grade is less than that of his warrant grade, his retired pay will be computed on the applicable basic pay of his warrant grade. Retired pay will be computed at 2½ percent of the applicable basic pay of the grade in which retired (with the exception noted in § 713.425), multiplied by the sum of the following:

(1) Total years of service (whether active or inactive) creditable for basic pay purposes as of May 31, 1958; and

(2) Total years of active service, including active duty for training, performed subsequent to May 31, 1958; and

(3) If not included in subparagraph (1) of this paragraph, total years of constructive service credited for basic pay purposes by the Act of April 30, 1956 (37 U.S.C. 205 (a)(7–8), (b), (c)) (applicable only to officers of the medical and dental corps); and

(4) One day's credit (with a maximum of 60 days credit for any one anniversary year) for each retirement point earned as a member of a Reserve component subsequent to May 31, 1958 through authorized attendance at drills, periods of equivalent instruction or appropriate duty performed as authorized by the appropriate naval district commandant or the Chief of Naval Personnel, completion of correspondence courses, and 15 points per anniversary year gratuitous credit for Reserve membership.

A part of a year that is 6 months or more which may be obtained by adding the total service outlined in subparagraphs (1) to (4) of this paragraph will be credited as a whole year for multiplier purposes. Retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based. An easy method of determining the multiplier to be used in computing retired pay for those members who have been on active duty continuously since June 1, 1958 or earlier is to subtract the pay entry base date as shown in the current Navy Register (NAVPERS 15018) from the last day of active duty.

Example: A commander is to be retired on July 1, 1962. His pay entry base date is October 12, 1940:

62	6	30	(Last day of active duty)
−40	10	12	(Pay entry base date)
21	8	19	(Credit given for both 12th and 30th since on active duty those days)

His retired pay will be computed at 2½ percent of the monthly basic pay of a commander with over 20 but less than 22 years of service creditable for basic pay purposes, multiplied by 22.

(b) Under authority contained in 10 U.S.C. 1293, any warrant or commissioned warrant officer of the Naval Reserve who has performed at least 20 years of active service, including active duty for training, may, upon application therefor and at the discretion of the Secretary of the Navy, be transferred to the Naval Reserve Retired List. Only active duty (including active duty for training) as a commissioned officer, warrant officer, enlisted man, appointed aviation cadet or enlisted aviation cadet, in the Navy, Marine Corps, Army, Air Force, or Coast Guard, or in the Reserve components thereof, is creditable in determining eligibility for retirement. An officer retired under this section will be retired in the highest warrant grade, permanent or temporary, held on active duty. If he had previously served under a temporary appointment in the grade of ensign or above he will, subsequent to retirement, be advanced to the highest temporary grade in which he served satisfactorily, as determined by the Secretary of the Navy (10 U.S.C. 6151). Retired pay will be computed at 2½ percent of the applicable basic pay of the warrant grade in which retired or the grade to which advanced, whichever is the greater basic pay, multiplied by total years of service computed as outlined in paragraph (a) of this section. Retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

(c) Under authority contained in 10 U.S.C. 6327, any officer or enlisted man of the Naval Reserve, who was a member of the Naval Reserve or the Marine Corps Reserve on January 1, 1953, who has performed a total of not less than 30 years of active service, or who has performed a total of not less than 20 years of active service the last 10 years of which was performed during the 11 years immediately preceding retirement, may, upon application therefor and at the discretion of the Secretary of the Navy, be transferred to the Naval Reserve Retired List. In determining whether the required service has been met, active service (not including active duty for training) as a commissioned officer, warrant officer, enlisted man, appointed aviation cadet or enlisted aviation cadet, in the Navy, Marine Corps, Army, Air Force, or Coast Guard, or in the Reserve components thereof, is creditable. A member retired under this section will be retired in the grade in which serving at the time of retirement and, with the following exception, will be entitled to retired pay computed at 50 percent of the applicable basic pay of the grade in which retired. If the member had previously served satisfactorily, as determined by the Secretary of the Navy, under a temporary appointment in an officer grade that is higher than the grade or rate held at time of retirement he will, subsequent to retirement, be advanced to that higher grade effective from the date of his retirement and will be entitled to retired pay effective from the date of retirement computed at 2½ percent of the applicable basic pay of the grade to which advanced, multiplied by total years of service computed as outlined in paragraph (a) of this section; retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based (10 U.S.C. 6151; MS CompGen B–138761, June 8, 1959). An enlisted man who is eligible for retirement under this section and who is also eligible for transfer to the Fleet Reserve under 10 U.S.C. 6330, is entitled to elect retirement or transfer to the Fleet Reserve.

(d) Time lost by reason of unauthorized absence, sickness due to own misconduct, civil arrest, or confinement (as defined in the Navy Comptroller Manual, par. 044019–1) may not be credited in determining whether the required service for retirement has been met.

§ 713.427 Transfer to Naval Retired List with pay after completion of at least 20 years of qualifying service and attaining age 60.

(a) *Chapter 67, Title 10, U.S. Code.* 10 U.S.C. 1331–1337 (formerly Title III, Public Law 810–80th Congress, as amended) provides for retired pay benefits, upon application, for any member or former member who has completed at least 20 years of qualifying service (satisfactory Federal service), subject to the following requirements:

(1) He is at least 60 years of age.

(2) He has performed the last 8 years of qualifying service as a member of a Reserve component, i.e., years in which he has been credited with at least 50 retirement points while serving as a member of a Reserve component. While the last 8 years of qualifying service is required to be service in a Reserve component, such Reserve service is not required to be continuous. In the event a period of service in a Regular component intervenes between periods of Reserve service aggregating the required 8 years, then that particular period of Regular service must be excluded in determining whether the requirement that the person performed the last 8 years of qualifying service as a member of a Reserve component has been met. If on that basis the person has the service to qualify for retired pay, the Regular service is in-

cluded in determining the amount of his retired pay.

Examples:

(i) An individual who served 14 years in the Naval Reserve and then 6 years in the Regular Navy must complete an additional 6 years of qualifying service in a Reserve status to qualify for retired pay. (The additional 6 years of qualifying service as a Reservist are necessary in order to meet the requirement that the last 8 years of qualifying service be as a member of a Reserve component. While this person has completed 20 years of "qualifying service", the last 8 years of such service was not as a member of a Reserve component.)

(ii) An individual who served 13 years in the Regular Navy, then 7 years as a Reservist followed by 4 years in the Regular Navy, must complete an additional year of qualifying service in a Reserve status to qualify for retired pay. (Although this person has completed over 20 years of "qualifying service", he must complete one more year of qualifying service as a Reservist in order to meet the requirement that the last 8 years of his qualifying service be performed as a member of a Reserve component.)

(3) He is not entitled, under any provisions of law, to retired pay from an armed force or to retainer pay as a member of the Fleet Reserve.

(4) If he was a member of a Reserve component of an armed force prior to August 16, 1945, he must have performed active duty or active duty for training after April 5, 1917 and before November 12, 1918, or after September 8, 1940 and before January 1, 1947, or he must have performed active duty other than active duty for training after June 26, 1950 and before July 28, 1953.

(b) *Determining eligibility for retired pay.* For the purpose of determining whether a person has completed the required 20 years of qualifying service for retired pay purposes, his years of service (less time lost by reason of unauthorized absence, sickness due to own misconduct, civil arrest, or confinement (as defined in the Navy Comptroller Manual, par. 044019–1)) performed in the status of a commissioned officer; warrant officer; nurse; flight officer; enlisted person; appointed aviation cadet (active duty only credited); enlisted aviation cadet; Army field clerk; field clerk, Quartermaster Corps; and, in the case of warrant officers, classified field service as an Army Headquarters clerk or clerk, Quartermaster Corps (under laws in effect prior to August 29, 1916) in an active status in any of the following may be credited as qualifying service:

(1) Years of service before July 1, 1949 in—

(i) The federally recognized National Guard before June 15, 1933, including service in the Organized Militia of the several States, Territories, and the District of Columbia as it existed subsequent to January 21, 1903.

(ii) A federally recognized status in the National Guard before June 15, 1933. The National Guard after June 14, 1933, if service was continuous from date of enlistment in the National Guard, or from date of Federal recognition, in the case of officers and warrant officers, to date of enlistment or appointment in the National Guard of the United States.

(iii) The National Guard of the United States.

(iv) The National Guard while in the service of the United States.

(v) The Army Reserve in an active Reserve status (includes the Officers' Reserve Corps and the Enlisted Reserve Corps of the Organized Reserve Corps).

(vi) The United States Naval Reserve and the United States Naval Reserve Force.

(vii) The Marine Corps Reserve and the Marine Corps Reserve Force.

(viii) The Limited Service Marine Corps Reserve.

(ix) The Naval Militia, during the period February 16, 1914 to July 1, 1918, that conformed to the standards prescribed by the Secretary of the Navy.

(x) The National Naval Volunteers.

(xi) The Air National Guard of the United States.

(xii) The Air National Guard while in the service of the United States.

(xiii) The United States Air Force Reserve (the Officers' and Enlisted Sections).

(xiv) The Air Force of the United States, without specification of component, prior to July 1, 1948.

(xv) The United States Coast Guard.

(xvi) The United States Coast Guard Reserve, except service as a temporary member. (See subparagraph (3) (xiii) of this paragraph.)

(xvii) The Regular Army Reserve.

(xviii) The Philippine Scouts.

(xix) The Regular Navy, the Regular Marine Corps, the Regular Army, and the Regular Air Force.

(xx) Students' Army Training Corps, subsequent to October 1, 1918 and prior to December 31, 1918, if such service was performed as an enlisted man.

(xxi) The United States Volunteers (service between April 8, 1898 and June 30, 1901, only).

(xxii) Women's Army Corps, including active service in the Women's Army Auxiliary Corps after May 13, 1942 and before September 30, 1943, if member performed active service in the Armed Forces after September 29, 1943.

(xxiii) The Army of the United States, without specification of component. AUS appointments made under following statutes and terminated on dates specified, unless sooner vacated:

(*a*) Appointments as commissioned officers, under the Joint Resolution of September 22, 1941, made after December 6, 1941—March 31, 1953 (on and after July 1, 1949 qualifying service cannot be granted unless a minimum of 50 retirement points are earned during each training year).

(*b*) Disabled officers and officers who completed a course of medical instruction at Government expense under the act of February 6, 1942—March 31, 1953, or date of relief from active duty, whichever is later.

(2) Women's Army Corps—June 12, 1949.

(*b*) Warrant officers temporarily appointed under the act of August 21, 1941—April 1, 1953.

(*c*) Flight officers appointed under the act of July 8, 1942—October 28, 1952.

(xxiv) Active service in the Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

(xxv) Service in the Army under an appointment made under the act of December 22, 1942 or the act of June 22, 1944 (certain classes of female officers).

(xxvi) Active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

(*a*) In the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943.

(*b*) In the occupational therapy category, if service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949.

(xxvii) Service performed after the service and age requirements have been met is creditable only if retention in an active status is effected under 10 U.S.C. 676.

(xxviii) Constructive service for inactive duty with the Coast Guard Women's Reserve from July 25, 1947 to November 1, 1949, if a member of the Coast Guard Women's Reserve and performed service on active duty therein for at least 1 year prior to July 25, 1947, separated therefrom under honorable conditions, and had membership therein for any period between November 1, 1949 and July 1, 1956.

(xxix) Inactive service on the Honorary Retired List of the Naval or Marine Corps Reserve.

(2) Each one year (anniversary year) period, after June 30, 1949, in which he has been credited with at least 50 retirement points on the following basis:

(i) One point for each day of active duty or active duty for training.

(ii) One point for each duly authorized drill attended in either a pay or nonpay status.

(iii) One point for each period of equivalent instruction or appropriate duty performed as authorized by the commandant of the appropriate naval district or the Chief of Naval Personnel.

(iv) Point credits for completed authorized correspondence courses. The point credit varies with the courses completed. BuPers Instruction 1820.3 series contains pertinent provisions.

(v) 15 gratuitous points credit for each anniversary year of membership in a Reserve component, providing the person was in an active status during the entire year. For information concerning proration of points for partial years, see paragraph (d) of this section.

(vi) Other point credits in accordance with 10 U.S.C. 1332(a) (2) (B).

For retired pay purposes total retirement points credited as outlined in subdivisions (i) through (vi) of this subparagraph may not exceed 365 in a normal year or 366 in a leap year and total retirement points credited as outlined in subdivisions (ii) through (iv) of this subparagraph may not exceed 60 in any anniversary year. Retirement points

earned during an anniversary year may not be credited to any anniversary year other than that in which the points are earned.

(3) The following service may not be credited as qualifying service:

(i) Inactive Section, Officers' Reserve Corps.

(ii) Inactive Section, Enlisted Reserve Corps.

(iii) Auxiliary Reserve.

(iv) Unassigned Reserve.

(v) Inactive Status List (but is creditable for basic pay purposes).

(vi) Service, other than active service, after June 30, 1949 while on the Honorary Retired List or in the Retired Reserve. This service, however, is creditable for basic pay purposes.

(vii) National Guard Reserve.

(viii) Inactive National Guard.

(ix) Inactive Air National Guard.

(x) Nonfederally recognized status in the National Guard.

(xi) Nonfederally recognized status in the Air National Guard.

(xii) Inactive service in an inactive section of the officers' section of the Air Force Reserve.

(xiii) Lighthouse service.

(xiv) Service performed in an initial period of active duty for training by enlisted trainees under sec. 262(c)(1) of the Armed Forces Reserve Act of 1952 as amended by the Reserve Forces Act of 1955 (Pub. Law 305, 84th Congress, 69 Stat. 600), approved August 9, 1955.

(xv) Regular and Reserve Corps of the United States Public Health Service.

(xvi) Philippine Constabulary.

(xvii) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

(xviii) United States Coast and Geodetic Survey.

(xix) Service before July 1, 1938 as an inactive Reserve nurse of the Navy Nurse Corps established by the act of May 13, 1908, and inactive service as a Reserve Nurse of the Army Nurse Corps established by the act of February 2, 1901.

(xx) Service as a temporary member of the Coast Guard Reserve enrolled for duty pursuant to section 207 of the Coast Guard Auxiliary and Reserve Act of 1941.

(xxi) Service as a midshipman. (Note: service as a midshipman at the United States Naval Academy under an appointment made before March 4, 1913 and service as a cadet at the United States Military Academy under an appointment made before August 24, 1912, although not creditable as qualifying service, is creditable as active service in determining the years for percentage purposes in computing retired pay, and is also creditable for basic pay purposes. For enlisted members, any time spent as a cadet or midshipman is creditable both for basic pay and percentage purposes).

(xxii) Constructive service authorized for basic pay purposes by the act of April 30, 1956 for officers of the medical corps and dental corps.

(c) *Anniversary date and anniversary year defined.* "Anniversary date" is the date on which a year commences for point-credit purposes. The anniversary date for any person who was a member of a Reserve component on July 1, 1949, and who thereafter continues as a member of a Reserve component without a break in such service, is July 1. For any person who enters a Reserve status after July 1, 1949 and who thereafter continues as a member of a Reserve component without a break in such service, the anniversary date is the date subsequent to July 1, 1949 on which he accepts appointment as a warrant or commissioned officer, or first enlists, as the case may be, as a member of a Reserve component. Once established, the anniversary date does not change unless the person has a break in his Reserve service, in which case a new anniversary date for point-credit purposes will be established effective on the date of reentry in a Reserve component. Transfer to the Retired Reserve, to the Temporary Disability Retired List, or to the Inactive Status List does not constitute a break in Reserve service insofar as the anniversary date is concerned, nor does a discharge from an enlisted Reserve status constitute a break in Reserve service providing the member again enters a Reserve status, either by enlistment or appointment to officer grade, not later than the day immediately following the effective date of such discharge. "Anniversary year" is any consecutive 365 days, or 366 days during leap year, beginning with the anniversary date.

(d) *Pro rata credit for partial years.* If the member was in an active status for only a portion of an anniversary year, that year will not be credited as a full year of qualifying service for retirement purposes irrespective of the number of retirement points earned while in an active status during that particular year. However, the time the member was in an active status will be considered as qualifying service providing he earned the required points, on a pro rata basis, during that particular period. The required 50 retirement points per anniversary year are prorated on the basis of 0.137 (50 divided by 365) points per day for the purpose of determining whether a partial year may be credited as qualifying service. Gratuitous points for partial years are credited on a pro rata basis of 0.04109 (15 divided by 365) points for each day in an active status during the partial year involved. Tables I, II, and III provide point requirements for any given number of days of service within an anniversary year.

(1) *Officers transferred to Inactive Status List.* (i) Officer's anniversary year is July 1 through June 30. During the anniversary year he is in an active status during the period July 1 through December 15; on the Inactive Status List (ISL) beginning December 16 through March 31; and again in an active status beginning April 1 through June 30. In this instance, the anniversary year is not considered as a year of qualifying service even though 50 or more points may have been earned while in an active status during the year. Only those periods in an active status will be considered for qualifying service. If the officer earned at least 23 (168 days per Table I) points during the period July 1 through December 15, then that period (5 months and 15 days) will be credited as qualifying service. Further, if at least 13 (91 days per Table I) points were earned during the period April 1 through June 30, then that period (3 months) will also be credited as qualifying service.

(ii) Officer's anniversary year is July 1 through June 30. During the anniversary year he is on the ISL during the period July 1 through December 31, and in an active status from January 1 through June 30. The anniversary year is not considered as a year of qualifying service even though 50 or more points may have been earned during the period January 1 through June 30. However, if at least 25 (181 days, or 182 days in leap years, per Table I) points were earned during the period January 1 through June 30, then that period (6 months) will be credited as qualifying service.

(2) *Enlisted man discharged and reenlisted under broken service.* Anniversary year is July 1 through June 30. He is discharged November 12 and does not immediately reenlist. That portion of the year from the anniversary date through the date of discharge will be considered a qualifying period of service providing he earned the required points, on a pro rata basis, during that period. Since he was discharged from the Naval Reserve 4 months and 12 days after his anniversary date, he will be required to have earned 19 (135 days per Table I) points to receive credit for qualifying service for that period. Not more than the maximum 60 points per year earned as outlined in paragraph (b)(2)(ii) through (vi) of this section (points earned through other than active duty or active duty for training), prorated on the basis of 0.164 (60 divided by 365) points per day, will be credited for any partial year. (See Table II.) Using the officer case in subparagraph (1)(i) of this paragraph, the maximum points earned through other than active duty and/or active duty for training that may be credited for the period July 1 through December 15 are 28, and the maximum points earned through other than active duty and/or active duty for training that may be credited for the period April 1 through June 30 are 15. Retirement points earned during a partial period may not be added to those earned during another partial period for the purpose of gaining additional qualifying service credit. Reserve personnel are ineligible to accrue retirement points credit while on the ISL; hence correspondence courses (or 12 point or similar units of correspondence courses) completed in this status will not earn retirement points. BUPERS Instruction 1820.3 series contains pertinent provisions.

(e) The following tables show (1) minimum points required to establish a partial year as qualifying service, (2) maximum creditable points for Reserve training for less than a full retirement year, and (3) gratuitous points credit for less than a full retirement year.

TABLE I

MINIMUM POINTS REQUIRED TO ESTABLISH A PARTIAL YEAR AS QUALIFYING SERVICE

Number of days in an active status		Minimum points required
From	Through	
1	7	1
8	14	2
15	21	3
22	29	4
30	36	5
37	43	6
44	51	7
52	58	8
59	65	9
66	73	10
74	80	11
81	87	12
88	94	13
95	102	14
103	109	15
110	116	16
117	124	17
125	131	18
132	138	19
139	146	20
147	153	21
154	160	22
161	168	23
169	175	24
176	182	25
183	189	26
190	197	27
198	204	28
205	211	29
212	219	30
220	226	31
227	233	32
234	240	33
241	248	34
249	255	35
256	262	36
263	270	37
271	277	38
278	284	39
285	292	40
293	299	41
300	306	42
307	313	43
314	321	44
322	328	45
329	335	46
336	343	47
344	350	48
351	357	49
358	365	50

TABLE II

MAXIMUM CREDITABLE POINTS (LESS ACTIVE DUTY/ACTIVE DUTY FOR TRAINING POINTS) FOR RESERVE TRAINING FOR LESS THAN A FULL RETIREMENT YEAR

Number of days in an active status		Maximum points allowable
From	Through	
0	6	1
7	12	2
13	18	3
19	24	4
25	30	5
31	36	6
37	42	7
43	48	8
49	54	9
55	60	10
61	66	11
67	73	12
74	79	13
80	85	14
86	91	15
92	97	16
98	103	17
104	109	18
110	115	19
116	121	20
122	127	21
128	133	22
134	139	23
140	146	24
147	152	25
153	158	26
159	164	27
165	170	28
171	176	29
177	182	30
183	188	31
189	194	32
195	200	33
201	206	34
207	212	35
213	219	36
220	225	37
226	231	38

TABLE II—Continued

MAXIMUM CREDITABLE POINTS (LESS ACTIVE DUTY/ACTIVE DUTY FOR TRAINING POINTS) FOR RESERVE TRAINING FOR LESS THAN A FULL RETIREMENT YEAR—continued

Number of days in an active status		Maximum points allowable
From	Through	
232	237	39
238	243	40
244	249	41
250	255	42
256	261	43
262	267	44
268	273	45
274	279	46
280	285	47
286	292	48
293	298	49
299	304	50
305	310	51
311	316	52
317	322	53
323	328	54
329	334	55
335	340	56
341	346	57
347	352	58
353	358	59
359	366	60

TABLE III

GRATUITOUS POINTS FOR MEMBERSHIP IN AN ACTIVE STATUS IN A RESERVE COMPONENT FOR LESS THAN A FULL RETIREMENT YEAR

Number of days in an active status		Membership points to be credited
From	Through	
1	12	0
13	36	1
37	60	2
61	85	3
86	109	4
110	133	5
134	158	6
159	182	7
183	206	8
207	231	9
232	255	10
256	279	11
280	304	12
305	328	13
329	352	14
353	365	15

(f) *Rounding out 20 years of qualifying service on a pro rata basis.* (1) A member who is approaching completion of 20 years of qualifying service who, although not yet age 60, does not desire or is unable to participate in the Reserve program after completion of that service should, prior to the end of the partial period to be prorated, request a change of status (i.e., request transfer to the Retired Reserve or to the Inactive Status List if an officer, or request to be discharged or transferred to the Retired Reserve if an enlisted man) to be effective at the end of the period to be prorated. Care should be exercised to assure that the required points have been earned, on a pro rata basis, to credit the partial period involved as qualifying service.

Example: Officer's anniversary year is July 1 through June 30. On June 30 he completes 19 years, 8 months, and 16 days of qualifying service.

19 years	11 months	30 days
—19 years	8 months	16 days
0 years	3 months	14 days

He needs 3 months and 14 days of qualifying service to round out the required 20 years. If he has earned 15 (106 days per Table I) retirement points during the period July 1 through October 14, and further providing a change of status is effected on October 15, he will have completed 20 years of qualifying service. Thus this officer should, if he does not desire participation beyond the date he completes 20 years, submit a request for transfer to the ISL to be effective October 15 with further transfer to the Retired Reserve (if desired) to be effective November 1, such request to be submitted at least 30 days in advance of the requested effective date of transfer to the ISL. Transfer to the Retired Reserve must, by law, be effected on the first day of a month. Therefore should the officer here involved request transfer to the Retired Reserve effective November 1 without interim transfer to the ISL, he will be considered as having been in an active status for the period July 1 through October 31 and to credit that partial period as qualifying service he must have earned at least 17 (123 days per Table I) retirement points.

Example: Enlisted man's anniversary year is August 23 through August 22. On August 22 he completes 19 years, 2 months, and 26 days of qualifying service.

19 years	11 months	30 days
—19 years	2 months	26 days
0 years	9 months	4 days

He needs 9 months and 4 days of qualifying service to round out the required 20 years. Assuming that the man's anniversary date remains August 23, he will complete 20 years of qualifying service on May 26 provided he has earned 38 retirement points (277 days per Table I) during a normal year, or 39 retirement points (278 days per Table I) during a leap year, for the period August 23 through May 26, and provided further a change of status is effected at 2400 on May 26. Thus the man should, if he does not desire further participation beyond the date on which he completes 20 years of qualifying service, request to be discharged effective at 2400 on May 26. If he desires transfer to the Retired Reserve on June 1 in lieu of being discharged, then the period August 23 through May 31 will be credited as qualifying service only if he has earned 39 retirement points.

(2) Former members who have met the service and age requirements for retired pay may be granted that pay under Chapter 67, Title 10, U.S. Code; however, even if in receipt of such pay they are not retired members of the naval service and will therefore not be entitled to the fringe benefits (i.e., MSTS travel, commissary and exchange privileges, etc.) normally accruing to members retired with pay. Accordingly, an enlisted man who requests discharge to be effective upon completion of 20 years of qualifying service, or whose enlistment or extended enlistment expires after completion of that service, should be encouraged to transfer to the Retired Reserve in lieu of being discharged. Members must apply at least six months prior to expiration of enlistment in order to allow sufficient processing time. To be transferred to the Retired Reserve an individual must be a member of the Naval Reserve on the effective date of such transfer. Unless at least six months of the unexpired time exists subsequent to date of application, the member may be required to reenlist or extend, as appropriate, or else forego transfer to the Retired Reserve.

(3) A member who has met the service and age requirements for retired pay under Chapter 67, Title 10, U.S. Code, may not accrue additional service credits

after the date of initial eligibility for such pay unless retained in an active status by the Secretary of the Navy under authority contained in 10 U.S.C. 676. Therefore a member who is 60 or more years of age and is nearing the completion of 20 years of qualifying service should determine the exact date on which he can complete that service on a pro rata basis and make every effort to earn sufficient retirement points to credit the partial period involved as qualifying service.

Example: Officer's anniversary date is July 1. At the end of an anniversary year he has completed 19 years, 10 months, and 29 days of qualifying service.

19 years	11 months	30 days
—19 years	10 months	29 days
	1 month	1 day

He has attained age 60 and thus needs 1 month and 1 day of qualifying service to meet both the service and age requirements for retirement with pay. Provided he has earned 5 (32 days per Table I) retirement points during the period July 1 through August 1, he will have qualified for retired pay. If he has not earned 5 retirement points during that period, then he has not yet qualified for retired pay and should continue to participate until he has earned sufficient retirement points to credit, on a pro rata basis, the partial period beginning July 1 through the date of last participation.

(g) *Procedure for requesting statement of qualifying service.* (1) A Reserve officer may request a statement of his qualifying service in the manner prescribed in § 713.221.

(2) An enlisted person may obtain information concerning his qualifying service performed from the commanding officer or commandant, as appropriate. If the member's current service record does not contain complete information on page 11, the commanding officer or commandant, as appropriate, may request a statement of qualifying service from the Chief of Naval Personnel (Pers–E3) for the purpose of completing the information in the service record.

(i) Requests will indicate the date from which the current service record contains authentic entries of retirement points and years of qualifying service. Any information available concerning the performance of satisfactory service prior to that date, such as records of training duty or drill attendance, will be included in the requests.

(ii) Requests will be forwarded on an individual basis via the chain of command to the Chief of Naval Personnel.

(iii) Upon receipt of the request, the Chief of Naval Personnel will forward a statement of the qualifying service completed and the retirement points earned prior to the date of the first authentic entries on page 11 of the current service record. This statement will be filed in the member's service record after he has been notified of its contents.

(3) When an enlisted member of the Naval Reserve reenlists for a period of time during which he will complete 20 years of service for basic pay purposes, the custodian of his service record shall immediately prepare for the member a statement of qualifying service for retirement under 10 U.S.C. 1331. This statement will be based on information on file in the service record. It will include the number of years of qualifying service and points credited to the member upon discharge. A copy of the statement will be filed in the closed-out service record forwarded to the Chief of Naval Personnel and another copy will be filed in the reenlistment service record.

(h) *Computation of retired pay.* (1) The following formula will be used in computing retired pay:

Step No. 1. Total number of retirement points will be divided by 360. The resultant figure will be carried to 3 decimal places and then rounded off to 2 decimal places. Example: 4735 divided by 360=13.15.

Step No. 2. Result of Step No. 1 will be multiplied by 2½% (0.025). The resultant figure will be carried to 5 decimal places, and then rounded off to 4 decimal places. Example: 13.15×0.025=0.32875 or 0.3288.

Step No. 3. Monthly basic pay will be multiplied by result of Step No. 2. The resultant figure will be carried to 3 decimal places and then rounded off to 2 decimal places. Example: Pay grade 0–5 over 22 years $885.00×0.3288=$290.99.

NOTE: For rounding off purposes, when the last digit is 5 or greater, the preceding digit will be increased to the next higher number. If the last digit is less than 5, it will be disregarded.

(2) Retirement points for retired pay computation purposes are credited as follows:

(i) One point for each day of active duty;

(ii) One point for each day of active duty for training;

(iii) 50 points for each 365 days of inactive service prior to July 1, 1949 (credit is also given proportionately for a fractional year).

(iv) Points earned subsequent to June 30, 1949 as outlined in paragraph (b)(2)(ii) through (vi) of this section, with a maximum of 60 retirement points per anniversary year.

(3) Retired pay may not be more than 75 percent of the basic pay upon which the computation of retired pay is based.

(i) *Grade on Retired List.* Grade on the Retired List will be the grade equivalent to the highest grade satisfactorily held in any branch of the Armed Forces.

(j) *Miscellaneous.* Members and former members in receipt of retired pay pursuant to Chapter 67, Title 10, U.S. Code, are exempt from the Dual Employment Act (5 U.S.C. 62) and the Dual Compensation Act (5 U.S.C. 59a). No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under Chapter 67, Title 10, U.S. Code, may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it. Social Security and Civil Service retirement pay benefits may be received concurrently with retirement pay. Neither pension nor disability compensation benefits from the Veterans Administration may be received duplicating retired pay. Retired pay may be waived in part or in entirety in order to receive pension or disability compensation from the Veterans Administration. (38 U.S.C. 3105.)

§ 713.428 Procedure for requesting retirement with pay.

(a) A qualified member who desires retirement with pay under any one of the laws outlined in § 713.426, should address a request to the Secretary of the Navy, via commanding officer, the chief of the cognizant bureau in the case of staff officers, and the Chief of Naval Personnel. Suggested wording is as follows: "Having completed _____ years of active duty, it is requested that I be transferred to the retired list under authority contained in (state applicable law) effective on the first day of (month and year)." Requests should be submitted not less than 3 months nor more than 6 months in advance of the desired date. Although a member may submit an application for retirement before he has completed the service requirements for such retirement, the application may not be forwarded to the Secretary of the Navy for approval until after the service requirements for retirement have been met and until after the Chief of Naval Personnel has received a substantiated notice of a successfully completed retirement physical examination taken by the member concerned within 6 months of the prospective date of retirement. This notice may be an endorsed copy of temporary additional duty orders, a certified copy of Standard Form 88, or a signed statement by the examining medical officer, and should be submitted direct to the Chief of Naval Personnel. Reports of physical examination results will be forwarded to reach the Bureau of Naval Personnel three months prior to established date of retirement, where practicable. Commanding officers may reference this section as authority for ordering members to a medical activity to complete the retirement physical examination. Where travel is involved, temporary additional duty orders should be obtained from the appropriate senior commander as outlined in BUPERS Instruction 1321.2 (series). Such travel costs may be properly charged to the funds financing the activity which is responsible for the individual.

(b) A qualified member who desires transfer to the retired list with pay as outlined in § 713.427 shall submit a DD Form 108 (Application for Retired Pay Benefits, 10 U.S.C. 1331) to the Chief of Naval Personnel as follows:

(1) If on active duty, the application shall be submitted via the Commanding Officer.

(2) If a member of a Reserve unit, the application shall be submitted via the Commanding Officer, and the Commandant or Chief of Naval Air Reserve Training, as appropriate. The Commanding Officer, the Commandant, or the Chief of Naval Air Reserve Training, as appropriate, shall terminate any existing orders to a drilling unit effective not later than the day immediately preceding the requested retirement date.

(3) If not a member of a Reserve unit, the application shall be submitted via the Commanding Officer of the Naval Reserve Manpower Center, Bainbridge, Maryland, 21905.

Application for retirement should not be submitted earlier than 6 months in ad-

vance of the initial date of eligibility (either age 60 or date of completing 20 years of satisfactory Federal service, whichever is later). In case of enlisted members who are serving in a current enlistment, the commanding officer or commandant, as appropriate, shall record the points earned by anniversary years during the current enlistment in the first endorsement on the application. In lieu of recording the points earned for each anniversary year, a certified copy of the Record of Naval Reserve Service, page 11 of the service record, may be forwarded as an enclosure to the member's application. The certified copy of the page 11, if submitted, shall reflect the total points earned for each anniversary year of the current enlistment including all points earned up to the date of submission of the application.

(c) Former members who by reason of their former service now meet the age requirement which entitles them to receive retired pay as outlined in § 713.427 should submit their applications for such retired pay direct to the Chief of Naval Personnel.

§ 713.429 Enlisted service record requirements.

(a) The service records of enlisted Naval Reserve personnel retired with or without pay will be closed out and forwarded to the Chief of Naval Personnel as required by Articles B–2308 and C–10408 of the Bureau of Naval Personnel Manual.

(b) Page 14 (Record of Discharge, Release from Active Duty or Death) will be prepared with appropriate entries made thereon. Include the following under remarks:

(1) Reason for retirement;

(2) Present home address;

(3) Number of years of active service;

(4) A statement as to whether or not the member has completed 20 years' total creditable service (for members transferred to the Retired Reserve without pay).

(c) A new service record (NavPers 601) will be opened as of the effective date of retirement, inserting therein the following:

(1) Page 1 (Enlistment Contract) from previous record;

(2) Page 2 (Record of Emergency Data) as of current date;

(3) Page 3 (Enlisted Classification Record) from previous record;

(4) Page 4 (Navy Occupation and Training History) from previous record;

(5) Page 13 (Administrative Remarks) prepared to include all pertinent data regarding retirement;

(6) Copy of page 14 (Record of Discharge, Release from Active Duty or Death) from previous record. The new service record shall be prominently marked at the top of the cover "Retired Reserve" if retired without pay, or "Naval Reserve Retired List" if retired with pay, and shall be forwarded to the commandant of the naval district in which the individual is to reside.

§ 713.430 Disability retirement with pay—general information.

Information concerning disability retirement, and other general information, is contained in Chapter 14, Part C of the Bureau of Naval Personnel Manual. See Part 725 of this title.

§§ 713.431–713.434 [Deleted]

12. Sections 713.431 to 713.434 are deleted.

13. Section 713.514 is amended by revising the headnote to read as follows:

§ 713.514 Group active duty for training (including air).

* * * * *

14. Section 713.515 is amended by revising the introductory paragraph of paragraph (a) to read as follows:

§ 713.515 Regular drills (for air see § 713.533).

(a) Regular drills will consist of training in duties pertaining to the Navy, as designated from time to time by the Chief of Naval Personnel in separate instructions. Commanding officers of Naval Reserve units may schedule participation in a parade or other suitable ceremony as a substitute for not more than one authorized drill per fiscal year, subject to the approval of the cognizant commandant and the provisions of this section.

* * * * *

15. Section 713.517 is amended by revising paragraph (c)(2)(v) to read as follows:

§ 713.517 Appropriate duty (including air).

* * * * *

(c) * * *

(2) * * *

(v) To individual Naval Reservists qualified for the translation of French, German, and Russian scientific and technical journals. Reservists interested should apply to the Director of Naval Intelligence (Translations Section) via cognizant Commandant for a test translation and include resume of language education and linguistic experience. Applicants satisfactorily translating test material will receive two retirement points for their effort and be accepted into the program. The Director of Naval Intelligence will make project assignments and establish deadline completion dates. Individual monthly progress reports to the Director of Naval Intelligence via Commandant are required.

* * * * *

16. Section 713.531 is amended by adding to paragraph (a) a subparagraph (3) to read as follows:

§ 713.531 Types of training.

(a) *Active duty for training* * * *

(3) Group active duty for training (see § 713.514).

* * * * *

17. Section 713.533 is amended by revising paragraph (a) to read as follows:

§ 713.533 Regular drills (air).

(a) Regular drills shall consist of training in duties pertaining to the Navy, as approved by the Chief of Naval Operations and as supervised and directed by the Chief of Naval Air Reserve Training. Commanding officers of Naval Air Reserve units may schedule participation in a parade or other suitable ceremony as a substitute for not more than one authorized drill per fiscal year, subject to the approval of the Chief of Naval Air Reserve Training and the provisions of this section.

(1) Units paid for 48 drills will receive pay for such participation.

(2) Units paid for 24 drills and nonpay units will not receive pay for such participation.

* * * * *

18. Section 730.1 is amended by adding subparagraphs (1), (2), and (3) to paragraph (a), and by revising paragraphs (e) and (f), to read as follows:

§ 730.1 Classification of discharges, enlisted personnel.

(a) * * *

(1) *Retention or separation.* In determining whether a member should retain his current military status or be administratively separated, the member's entire military record, including records of nonjudicial punishment imposed during a prior enlistment or period of service and any other factors which are material and relevant, shall be evaluated. However, commanding officers, investigating officers, duly constituted boards, and other agencies charged with making such recommendations and determinations will consider records of nonjudicial punishment imposed during a prior enlistment or period of service, if held, only if such records of punishment would, under the particular circumstances of the case, have a direct and strong probative value in determining whether retention or administrative separation should be effected.

(i) Cases in which the circumstances may warrant use of such records shall ordinarily be limited to those involving patterns of conduct which would become manifest only over an extended period of time. A command not holding records of nonjudicial punishment imposed during a prior enlistment or period of service shall not request such records unless the use of such records is warranted under the foregoing.

(ii) When a record of nonjudicial punishment imposed during a current enlistment or period of service is considered, isolated incidents and events which are remote in time, or have no probative value in determining whether retention or administrative separation should be effected, shall have minimal influence on the determination.

(2) *Type of discharge certificate.* The type and character of the certificate or report issued upon administrative separation from current enlistment or period of service will be determined solely by the member's military record during that enlistment or period of service, plus any extensions thereof prescribed by law or by the Secretary, or effected with the consent of the member. Records of nonjudicial punishment imposed during a prior enlistment or period of service may not be considered.

(3) *Definitions.* As used in subparagraphs (1) to (3) of this paragraph, the following definitions apply:

(i) *Discharge.* Complete severance from all military status.

(ii) *Release from active duty.* Termination of active duty status and transfer or reversion to a Reserve component not on active duty.

(iii) *Separation.* A general term which includes discharge or release from active duty.

(iv) *Administrative separation.* Discharge or release from active duty upon expiration of appointment or enlistment, or prior to expiration of appointment or enlistment in the manner prescribed by the Secretary concerned or by law, but specifically excluding separation by sentence of a general or special court-martial.

(v) *Military record.* Includes an individual's behavior while a member of a military establishment, including general comportment and performance of duty, and reflects the character of the service he has rendered while a member of an armed service.

(vi) *Prior enlistment or period of service.* Service in any component of an armed force, including the Coast Guard, which culminated in the award of a separation certificate or report attesting to the type and character of service rendered during that period.

* * * * *

(e) "Military behavior" as used in this subpart refers to the conduct of the individual while a member of the Armed Forces.

(f) "Military record" as used in this subpart includes an individual's military behavior and performance of duty, and reflects the character of the service he has rendered while a member of the Armed Forces.

* * * * *

19. Section 730.4 is amended by revising paragraphs (d) and (e) (9) and (11) to read as follows:

§ 730.4 Separation of enlisted personnel by reason of expiration of enlistment, fulfillment of service obligation, or expiration of tour of active service.

* * * * *

(d) The normal date of expiration of a two, three, four, or six-year enlistment is respectively, the day preceding the second, third, fourth, or sixth anniversary of the date of enlistment, as adjusted for the purpose of making up any time lost from the enlistment. (10 U.S.C. 972; see § 730.4a.) The normal date of expiration of a minority enlistment is the day preceding the individual's twenty-first birthday as adjusted for the purpose of making up any time lost from the enlistment.

(e) * * *

(9) *Awaiting completion of appellate review of court-martial sentence which includes punitive discharge.* Except as otherwise provided in this subparagraph, an enlisted member sentenced to punitive discharge must be retained in the service to await completion of appellate review of his court-martial case even though the period of confinement, if any, adjudged under the sentence has been served, and his enlistment or other period of obligated active service has expired. Unless the member is confined, the service record entry prepared to reflect such retention beyond expiration of enlistment or other obligated active service should state the nature of duties performed by the member and the average number of hours daily his services are utilized while he is so retained. Nothing stated in this subparagraph is to be construed as precluding the members' administrative separation when directed by the Chief of Naval Personnel, or the granting of leave to the member in accordance with current instructions (see SecNav Instruction 1050.3 (§ 719.206 of this chapter) or revision thereof) to await completion of appellate review of his case.

* * * * *

(11) *Mandatorily making up lost time.* Instructions concerning mandatorily making up lost time due to sickness misconduct occurring before, on, or after July 24, 1956 and unauthorized absence, confinement, and nonperformance of duty (civil arrest) occurring on or after July 24, 1956 are contained in § 730.4a.

* * * * *

20. Part 730 is amended by inserting new § 730.4a to read as follows:

§ 730.4a Time lost which must be made up.

(a) *Persons required to make up lost time.* Pursuant to Title 10, United States Code, section 972, enlisted members of the Regular Navy and Naval Reserve who are otherwise eligible to be separated from active duty upon:

(1) Expiration of enlistment, including a minority enlistment or an enlistment as extended;

(2) Completion of the period for which inducted;

(3) Completion of an additional service obligation (Bureau of Naval Personnel Manual, article C–1402(3));

(4) Completion of extended active duty or active duty for training in excess of thirty days;

who have lost time from their current enlistment or other current period of obligated service due to unauthorized absence, confinement, nonperformance of duty (civil arrest), or sickness misconduct as defined in paragraph (b), shall be required to make up such lost time day-for-day before being separated. As used herein, the term "separated from active duty" includes discharges and releases to inactive duty. Members who are in confinement at the time their enlistment or other period of obligated service would otherwise expire shall be required, upon their release from confinement, to make up the time they lost unless appellate review and any applicable clemency action by the Secretary of the Navy (see SecNav Instruction 5815.3 (§ 719.205 of this chapter) or revision thereof) have been completed and a punitive discharge is to be executed. Members awaiting execution of a punitive discharge who are not in confinement when their enlistment or other obligated service expires shall also be required to make good lost time pending completion of appellate review and clemency action unless they are granted leave in accordance with current instructions (see SecNav Instruction 1050.3 (§ 719.206 of this chapter) or revision thereof) to await completion of appellate review. The requirement to make up lost time does not apply to Fleet Reservists, retired personnel, or to members who are to be separated for reasons other than those set forth in clauses (1), (2), (3), and (4) of this paragraph.

(b) *Definitions.* In computing lost time which must be made good, the following definitions apply:

(1) Unauthorized absence is a period of absence in excess of 24 consecutive hours without leave or liberty, over leave or liberty, or in desertion occurring on or after July 24, 1956, unless excused by competent authority as unavoidable. Such periods of unauthorized absence which are clearly reflected in the service record or other official Navy records kept for administrative purposes must be made up regardless of whether the member is tried and convicted of being absent for any or all of the periods involved. When these records do not clearly reflect the duration of the unauthorized absence, the findings of the court-martial in the premises shall be considered in determining the period of absence which must be made up. Article C–7802(4) of the Bureau of Naval Personnel Manual sets forth instructions concerning termination of periods of unauthorized absence. Periods of unauthorized absence over annual, reenlistment, or emergency leave, including leave granted in connection with transfer orders, which are excused as unavoidable, shall be charged day-for-day against leave, and leave rations shall be paid in accordance with article A–4404(7), Bureau of Naval Personnel Manual.

(i) In the case of a member who while on unauthorized absence is apprehended by civil authority but not convicted, the entire period of absence from duty shall be counted as unauthorized absence.

(ii) If a member while on leave or liberty is taken into custody and held by the civil authority beyond expiration of leave or liberty and is later released without trial the absence from duty will be considered as unavoidable and not as time lost, unless the member was released upon his agreement to make reparation for the offense for which he was arrested or unless he was subsequently convicted by a court-martial on the same facts and/or of unauthorized absence for the period involved. However, a member released without trial upon his agreement to make reparation shall not be considered as having lost time if his absence is excused as unavoidable in accordance with the provision of paragraph 044253–1, Navy Comptroller Manual.

(2) Confinement is a period in excess of 24 consecutive hours spent in confinement on or after July 24, 1956 either under sentence adjudged by any court-martial or while awaiting and during trial by any court-martial which results in conviction. Since time spent in confinement before July 24, 1956 is not with-

in the scope of this definition, members placed in confinement before such date will be required to make up only the time spent in confinement on or after July 24, 1956. No period of confinement while awaiting trial shall be counted as lost time if the individual is acquitted of the charges involved or if no finding of guilty is upheld upon completion of appellate review. Time spent in confinement under sentence is counted as lost time only to the extent the sentence to confinement is upheld upon completion of appellate review and clemency action if any. Thus, if a member served nine months in confinement under a sentence which upon appellate review is reduced to six months, he has lost only six months of time from his enlistment. Articles B–2316A and C–7819, Bureau of Naval Personnel Manual, relate to the action to be taken in case the individual is acquitted or the sentence is set aside, mitigated, or remitted. Confinement awaiting and during trial or under sentence will be regarded as absence from duty pending final action in each case in accordance with the provisions of the Manual for Courts-Martial.

(i) As used herein, the term "confinement" means physical restraint imposed by oral or written orders of competent authority or as adjudged by sentence of court-martial, which restraint deprives the member of his freedom for the period involved. It does not include moral restraint which limits the members' personal liberty as in the case of arrest or restriction, or periods of confinement awaiting or imposed as nonjudicial punishment.

(ii) Periods during which a sentence to confinement is interrupted or suspended for any of the causes set forth in paragraph 97c, Manual for Courts-Martial Executive Order 10214; 3 CFR, 1949–1953 Comp., p. 501) shall not be considered as periods of confinement but, where appropriate, shall be considered as periods of unauthorized absence or nonperformance of duty (civil arrest).

(iii) Periods during which a member is on base parole are counted as time lost due to confinement. Base parole is a status in which deserving personnel are permitted to perform normal duties outside the brig under regular supervision within the limits of the command without the presence of guards, and to return unescorted to the brig at the end of working hours.

(3) Nonperformance of duty (civil arrest) is a period in excess of 24 consecutive hours of nonperformance of duty while confined under sentence or while confined awaiting and during trial by civil authority on or after July 24, 1956 if the member is convicted under the laws of the state or government concerned. For the purpose of this paragraph, no distinction is to be made between cases wherein the member is apprehended by the civil authorities and those wherein he is delivered to them from naval custody. Pending final action by the civil authorities, any time in excess of 24 consecutive hours a member is held by such authorities with a view to possible trial is considered as time lost.

(i) If the member is acquitted or his conviction is later set aside, except as provided in the following sentence, the absence from duty is not nonperformance of duty (civil arrest), and appropriate entry shall be made in the service record. A court order vacating the conviction because the member satisfactorily completed his probation does not have the effect of excusing the lost time involved. However, if as a result of appellate review, a sentence to confinement is reduced after it has been served, only that part of the sentence to confinement which remains after the sentence has become final is counted as nonperformance of duty (civil arrest).

(ii) If a member is taken into custody by the civil authorities while he is on authorized leave or liberty, the period during which he is held by the civil authorities while in a leave or liberty status shall not be counted as time lost. However, if the member's remaining leave or liberty is cancelled while he is held by the civil authorities, the balance of the time he is so held will be counted as lost time if he is convicted. A period of unauthorized absence is not interrupted by civil arrest if the unauthorized absence is the cause of the apprehension by civil authority.

(4) Sickness misconduct is a period in excess of 24 consecutive hours of absence from regular duty occurring before, on, or after July 24, 1956 which is determined to be due to intemperate use of drugs or alcoholic liquor, or to disease or injury resulting from the member's own misconduct. The making of sickness misconduct determinations is governed by applicable provisions of Chapters II–VI and VIII, JAG Instruction P5800.7, Manual of the Judge Advocate General. Upon approval by the convening authority of an opinion rendered by a fact-finding body appointed in accordance with such provisions that the absence from duty was due to intemperate use of drugs or alcoholic liquor or disease or injury resulting from the member's own misconduct, the absence shall be considered as time lost pending final action by the Judge Advocate General. Paragraph 044252, Navy Comptroller Manual, provides for forfeiture of pay when absence from regular duty is due to the effects of a disease from intemperate use of alcoholic liquors or habit forming drugs.

(c) *Computing lost time.* Lost time which must be made up is computed on a day-for-day basis including the 31st day of a month. In accounting for periods of absence from duty as defined in paragraph (b) of this section the first day of the absence is counted as a day of absence from duty and the day of return to duty is counted as a day of duty. When one type of lost time ends on the same day that a second type of lost time begins, such day shall be counted as the first day of the second type of lost time. Thus, if a member while on unauthorized absence is apprehended and convicted by civil authority and is then returned to military control on the day he is released by civil authority, the day on which he is apprehended by civil authority is counted as a day of nonperformance of duty (civil arrest). However, if the absentee does not return to military control on the day he is released by civil authority, the entire period of absence from duty shall be counted as unauthorized absence without interruption by the civil arrest. A member whose absence from duty continues beyond expiration of enlistment or other period of obligated service is required to make up only the time actually lost from the enlistment or other period of obligated service. The proper method of computing lost time which must be made good is illustrated by the examples set forth at the end of this paragraph. This method is also to be used to determine time lost by enlisted personnel for the purpose of computing cumulative service for retirement and for transfer to the Fleet Reserve, and by officers and enlisted personnel for the purpose of determining entitlement to leave. Paragraphs 044019 and 044250, Navy Comptroller Manual, deal with the method to be used in computing service for pay purposes.

(1) Unauthorized absence commenced 0800, March 9, 1961 and ended 0800, March 10, 1961 (24 hours). No deductible time, as unauthorized absence was not in excess of 24 hours.

(2) Unauthorized absence commenced 0800, February 28, 1961 (not leap year) and ended 0830, March 1, 1961 (24 hours and 30 minutes).

UA—1 day (February 28)

(3) Unauthorized absence commenced 2345, June 1, 1961 and ended 0015, June 3, 1961 (24 hours and 30 minutes).

UA—2 days (June 1, 2)

(4) Sentenced by SCM (summary court-martial) on May 1, 1961 to 3 days' confinement. Placed in confinement at 1400 that day and released 0900, May 3, 1961 after having served 3 days' confinement as computed under Article 302 and Chapter 10 of the Corrections Manual.

CONF—2 days (May 1, 2)

(5) Admitted for treatment for disease due to own misconduct on February 2, 1961. Discharged from treatment on March 19, 1961.

SKMC—(sickness misconduct)—27 days in February, 18 days in March;

Total—45 days

(6) Admitted for treatment for injury due to own misconduct on June 29, 1961. Diagnosis for further treatment changed to sickness not due to own misconduct on August 16, 1961.

SKMC—2 days in June, 31 in July, 15 days in August, total 48 days

(7) Unauthorized absence commenced 0800, April 10, 1961. Apprehended by FBI agents at 0900, July 13, 1961 and delivered for safekeeping to, and confined at, Air Force Base at 1100, July 15, 1961. Delivered under guard to duty station at 1600, July 25, 1961 and immediately placed in confinement awaiting trial. Tried by general court-martial on July 31, 1961 and sentenced to 6 months' confinement. Released from confinement and restored to duty December 24, 1961.

UA—21 days in April, 31 days in May, 30 days in June, 14 days in July; total 96 days

CONF—17 days in July, 31 days in August, 30 days in September, 31 days in October, 30 days in November, 23 days in December; total 162 days

(8) Delivered to civil authorities at 1600, February 27, 1961 for trial by civil court.

Convicted; released to naval control at 0930, March 6, 1961 after paying a fine.

NPDI [Nonperformance of duty] (Civil)—2 days in February, 5 days in March; total 7 days

(9) Unauthorized absence commenced 0800, March 16, 1961. Apprehended by civil authorities on March 20, 1961, confined, tried, and acquitted by civil authorities on March 23, 1961. Returned to naval control on March 23, 1961.

UA—7 days (16—22 March)

(d) *Recording lost time and extending enlistments and service obligations.* (1) Entry shall be made on pages 8 and 13 of the service record to reflect each period of absence from duty as defined in paragraph (b) of this section. In the cases of members required to make up lost time, entry will also be made on page 13 to show the extension of the enlistment, period of induction, and period of obligated active service, as appropriate, by the number of days which must be made up. For this purpose, the enlistment or other period of service shall be extended from the normal date of expiration thereof or from the date of restoration to full duty, whichever is later.

(2) Reservists required to make up time lost from their obligated active service shall make up such time prior to release from extended active duty or active duty for training in excess of 30 days.

21. Section 730.6 is revised to read as follows:

§ 730.6 Separation of enlisted personnel for convenience of the Government.

(a) The Chief of Naval Personnel may authorize or direct the separation of enlisted or inducted personnel prior to the expiration of their active obligated service dates for any one of the reasons listed herein. The term "separation" as used in this section includes discharge, transfer to the Naval Reserve and concurrent release to inactive duty, or release to inactive duty in certain cases of Naval Reservists serving on active duty who have time remaining in service obligation or enlistment contract.

(1) General demobilization, reduction in authorized strength, or by an order applicable to all members of a class of personnel specified in the order.

(2) Acceptance of a permanent appointment as officer in any branch of the armed services.

(3) To permit immediate reenlistment at the request of the individual prior to normal expiration of enlistment in accordance with instructions issued from time to time by the Chief of Naval Personnel.

(4) National health, safety or interest.

(5) Erroneous enlistment or induction.

(6) Other good and sufficient reasons when determined by the Chief of Naval Personnel.

(b) Subject to the following instructions, the commanding officer shall, as appropriate, discharge or transfer for discharge for the convenience of the Government, an enlisted woman for any one of the following reasons: (The instructions contained in this paragraph should not be interpreted as precluding the commanding officer from forwarding any case to the Chief of Naval Personnel for decision should he consider such action appropriate.)

(1) Parenthood, when it is established that a woman is the parent, by birth or adoption, of a child under 18; has personal custody of a child under 18; is the stepparent of a child under 18 and the child resides within the household of the woman for a period of more than 30 days a year; or during her current enlistment or extension of enlistment, has given birth to a living child. In any case wherein a woman is the natural parent of a child born prior to her entry into the naval service and wherein all rights to custody and control of the child are asserted to have been lost through formal adoption proceedings prior to the woman's entry into the service, the commanding officer shall not effect discharge of the woman concerned without specific authorization of the Chief of Naval Personnel.

(2) Pregnancy, upon determination by a naval medical officer, with type of discharge her service record warrants, regardless of marital status. If as a result of a spontaneous or therapeutic abortion or a still birth, the pregnancy is terminated prior to separation and the woman desires to remain in the service, her request for retention, together with the commanding officer's recommendation, shall be forwarded to the Chief of Naval Personnel for consideration. If there is evidence that a non-therapeutic abortion has been effected, the case shall be submitted to the Chief of Naval Personnel for consideration and decision as to the type of discharge.

(3) Marriage, upon written request to the commanding officer provided the woman meets the following conditions:

(i) Has served 12 months after completion of recruit training;

(ii) Has served 18 months after completion of, or disenrollment from, a service school where the length of the course is 24 weeks or less, or has served 24 months after completion of, or disenrollment from, a service school where the length of the course is over 24 weeks;

(iii) Has served 12 months subsequent to assignment to duty for which a voluntary agreement to extend enlistment was executed; or

(iv) Has served 12 months from the date of reporting to a new duty station.

When two or more of the above conditions apply to an individual, the period of time which results in retaining the individual to the latest date shall govern. Except when waiver is authorized as set forth hereinafter, in no case will discharge be effected earlier than six months from the date of submission of written request therefor. Commanding officers may waive the 6 months' delay in discharge in those cases wherein a contact relief is not required or at such time as a relief becomes available. In no case will discharge be effected during such period as the member is serving at a duty station located sufficiently close to the location of her husband as to not preclude the establishment of a joint household. Ensure that a copy of the member's request and information as to the command's action thereon is submitted to the cognizant personnel distributor in all cases. (Art. A–4204 of the Bureau of Naval Personnel Manual contains instructions relative to recoupment of reenlistment bonus, if paid.)

(c) Full information regarding the reason for separation and a recommendation concerning reenlistment in accordance with article C–10103 of the Bureau of Naval Personnel Manual based upon enlisted performance evaluations (article C–7821 of the Bureau of Naval Personnel Manual and applicable Bureau directives) shall be entered on page 13 of the service record in connection with all cases within the purview of this section.

22. Section 730.15 is amended by revising paragraph (d) and the note at the end of paragraph (e)(1) to read as follows:

§ 730.15 Field boards of officers.

* * * * *

(d) *General procedural instructions.* The proceedings of boards of officers under the provisions of this section shall be conducted with dignity. They need not conform to provisions of the Manual for Courts-Martial, United States, or of the Manual of the Judge Advocate General relating to Courts of Inquiry or Investigations. Such provisions may, however, be followed in specific cases and, if followed, will satisfy the requirements of this section. Whenever applicable, Article 31, Uniform Code of Military Justice (10 U.S.C. 831), is to be complied with. Attention is directed to the fact that (1) military personnel on active duty may not be compelled to testify or produce evidence that will incriminate them, nor may they be required to answer questions not material to the issue which might tend to degrade them and (2) civilians, including members of the Armed Forces on inactive duty, may not be compelled to testify or produce evidence at the hearing. The board should consider any matter presented which is relevant to the issue whether written or oral, sworn or unsworn. Real evidence as distinct from testimonial evidence may be exhibited to the board and should be accurately described or photographed for the record. The board may refuse to consider or to consider further any oral or written matter presented if it is irrelevant, immaterial, or unnecessarily repetitive and cumulative, but no such matter should be rejected or withheld from consideration on the ground that it would be incompetent for presentation to a court of law. The board will rely on its own judgment and experience in determining the weight and credibility to be given material received in evidence. Board proceedings under this section should not be in the nature of a formal fact-finding tribunal or judicial trial but should be formalized to the extent of assuring full opportunity for presentation of the respondent's case. If an objection is made at any stage during the proceedings the senior member will ensure that the ob-

jection and the basis therefor are noted in the record but should not make a formal ruling thereon. Any member of the board may be challenged but only on grounds which show that the member cannot render a fair and impartial decision. The challenged member may be examined by the respondent, his counsel, and other members of the board. The commanding officer, upon being informed of the circumstances of the challenge and the recommendation of the other members, may appoint a substitute for the challenged member if he deems such action appropriate.

(e) *Conduct of hearing.* (1) * * *

* * * * *

NOTE: When the provisions of the Manual for Courts-Martial or of the Manual of the Judge Advocate General are to be followed in a specific case, the senior member will modify the foregoing explanations accordingly.

* * * * *

23. Section 730.16 is amended by revising paragraphs (a) and (b) to read as follows:

§ 730.16 General provisions and restrictions relating to enlisted separations.

(a) *Effective time of discharge.* Subject to any law providing otherwise, the discharge of an enlisted person on active duty, regardless of the reason for separation, takes effect upon delivery of the discharge certificate. In the case of a person discharged while absent without authority or in civil confinement, constructive delivery of the discharge certificate is accomplished at the time it is signed by proper authority. If a discharge is effected as a result of a person's immediate entry in the same or any other component of the Armed Forces in the same or any other status, the discharge will, for administrative purposes, be dated as of the date preceding such entry or re-entry.

(b) *Effective time of release to inactive duty.* Subject to any law providing otherwise, the release to inactive duty of a Reservist who was called to active duty as a Reservist takes effect at the actual time of his arrival home or at the expiration of his authorized travel time, whichever is earlier. The release to inactive duty of members of the Regular Navy transferred to the Naval Reserve and concurrently released to inactive duty takes effect upon delivery of the separation documents.

NOTE: When a discharged member is seriously injured while returning home and is taken to a Navy hospital, he may be eligible for hospitalization and other benefits from the Veterans Administration and should be advised to file an appropriate claim with that agency.

* * * * *

(R.S. 161, secs. 280, 1162, 5031, 6291–6298, 70A Stat. 14, 89, 278, 391–393, as amended; 5 U.S.C. 22, 10 U.S.C. 280, 1162, 5031, 6291–6298)

By direction of the Secretary of the Navy.

[SEAL] ROBERT D. POWERS, Jr.,
Rear Admiral, U.S. Navy, Acting Judge Advocate General of the Navy.

MARCH 2, 1964.

[F.R. Doc. 64–2222; Filed, Mar. 6, 1964; 8:47 a.m.]

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 C—General Policies

1. In § 1001.305–52, revise paragraphs (a), (b), (c), (d) and (e) to read as follows:

§ 1001.305–52 Amendment of delivery schedules in supply or research and development contracts.

(Not applicable to base procurement contracts.)

(a) Contracts having unrealistic delivery schedules may be changed if the best interests of the Government will be furthered by such action, and contracts having delinquent delivery schedules may be amended if the best interests of the Government will not be jeopardized by such action. Delinquent delivery schedules will be held to a minimum at all times consistent with the preceding sentence. If the facts surrounding an individual contract warrant such action, the ACO or the procuring contracting officer (PCO), if the contract is administered by the procuring activity, will, immediately upon determination or notification that contractor will not be able to complete deliveries on schedule, take affirmative steps to initiate an amendment of the delivery schedule according to instructions in this paragraph. If the contractor is delinquent, the ACO or the PCO, if the contract is being administered by the procuring activity, may initiate an amendment of the delivery schedule according to instructions in this paragraph, or the ACO or PCO may recommend termination of the contract or issuance of a "delinquency notice" letter according to Subpart F, Part 1008 of this subchapter. Extensions of delivery schedules may be effected without approval from higher Headquarters in the following instances: (for the division of responsibilities between the ACO and PCO see paragraphs (c) and (d) of this section).

* * * * *

(b) Prior to issuing a contractual modification the ACO or PCO, whoever makes the determination to amend the delivery schedule, will effect coordination with his staff judge advocate for legality. In all cases the staff judge advocate will determine whether or not legal consideration exists. The staff judge advocate's determination will be final concerning the existence of legal consideration. The adequacy or amount of consideration will be the responsibility for determination by the ACO and PCO together or by either the ACO or PCO alone.

(c) Responsibilities of the ACO:

(1) * * *

(i) Approved spare parts change requests (SPCRs) and approved price exhibits (§ 1007.2606–3 of this subchapter) to open contracts covered by Subpart Z, Part 1007 of this subchapter.

(ii) Spare parts exhibits (AFPI 71–673, AFPI 71–666, AFPI 71–666A, AFPI 71–669, and AFPI 71–674), training parts exhibits (AFPI 71–610), and Aerospace Ground Equipment exhibits (AFPI 71–650) whenever the exhibits are made a part of a contract by means of a supplemental agreement signed by the ACO. See Subpart D, Part 1055 of this subchapter.

* * * * *

(3) * * *

(i) When authorized to amend the delivery schedule, forward his findings, recommendations, and other information deemed pertinent to his staff judge advocate for a determination of the legality of the proposed revision. Furnish the staff judge advocate with the address, including code, of the production activity at the CMD or AFPRO concerned with the contract. The original copy of the staff judge advocate's opinion, either affirmative or negative, will be returned directly to the ACO with a copy to the aforementioned production activity.

* * * * *

(iii) Regardless of whether the preceding subdivisions (i) or (ii) of this subparagraph are involved, furnish the appropriate production activity with a copy of the foregoing findings, recommendations and other pertinent information.

(4) Upon receipt of a DD Form 375, Monthly Production Progress Report, marked "Action Document," the ACO will indorse thereon his approval or disapproval. If approved and if circumstances indicate that the contractor will not meet the contract schedule within a reasonable period, the action described in subparagraph (3) of this paragraph, will be immediately taken by the ACO. What constitutes a reasonable period requires sound judgment by the ACO and diligence must be exercised so as not to waive the existing contract delivery schedule (see Subpart F, Part 1008 of this subchapter). If disapproval of any proposed schedule change is indicated by the ACO, reasons for such position will be stated on the DD Form 375. The ACO will then sign the reproducible DD Form 375 and forward to the production activity for distribution. Contracts containing liquidated damages clause require extra vigilance. When the ACO has reason to believe that a contract containing a liquidated damages clause will become delinquent as to deliveries, he will promptly notify the production activity for initiation of a DD Form 375 marked "Action Document." The ACO will process inadequate DD Form 375 reports to the production activity for correction and clarification.

(d) Responsibilities of the PCO.

(1) Upon determination or notification that a contract under the administration of the PCO is delinquent or almost delinquent and if the PCO believes that a revision to the delivery schedule is warranted, the PCO will try to amend the delivery schedule by obtaining the necessary staff judge advocate and supply (prime AMA) and/or Aeronautical

Systems Division (ASWG) (in the case of GFAE) coordination.

* * * * *

(2) * * *

(i) When concurrence is indicated and the administrative offices (production and ACO) have recommended delivery schedule changes, the PCO will, within 10 work days, forward the findings, etc., to the AMA staff judge advocate for an opinion as to the legality of the proposed amendment. The original of the staff judge advocate's opinion will be returned directly to the PCO with copies to the ACO and to the production activity. When the ACO has recommended default termination or issuance of a "delinquency notice" letter according to Subpart F, Part 1008 of this subchapter, signed copies of the PCO's proposed action will also be forwarded to the cognizant local readjustment activity and to AFSC (SCKAA). When the ACO has not concurred in proposed action, justification for proposed action by the PCO will be included in notification to the administrative offices and will cover the reasons advanced by the ACO.

(ii) When the PCO does not agree with the action proposed on the DD Form 375 marked "Action Document," he will furnish the administrative offices, local readjustment offices, and AFSC (SCKAA), when default termination or the issuance of a "delinquency notice" letter has been recommended, a statement of reasons for rejecting the recommended action.

(3) After complying with the requirements specified in this section, the PCO will accomplish and issue within 30 work days after receiving prime AMA and/or ASD (ASWG), coordination, and a contractual modification revising the delivery schedule.

* * * * *

2. In § 1001.357 revise paragraphs (b) and (c) (3) and in § 1001.358, revise paragraphs (a) (1) and (b) to read as follows:

§ 1001.357 Use of new contracts for follow-on procurement.

* * * * *

(b) Chiefs or directors of procurement and production of AMAs, AFSC divisions, AFSC centers, APRE, APRFE, and staff officers responsible within major air commands may authorize exceptions to this policy when the best interests of the Government will be served. This authority will be exercised only where compliance with the policy is not practicable. The procurement file will include a statement by the contracting officer of justification with approval indicated by higher authority. Except as authorized in paragraph (c) of this section, the use of existent contracts will not be authorized for follow-on procurements when follow-on procurements cite funds of different appropriations or cite funds of the same appropriation subsequent to 3 years from the date of the contract.

(c) * * *

(3) Research contracts where the period of performance will not exceed 5 years from the date of the initial contract.

* * * * *

§ 1001.358 Policy regarding the consideration of loyalty of scientific researchers on unclassified research contracts.

(a) * * *

(1) The AF policy in considering proposals for contracts in support of unclassified research not involving security considerations is to assure that, in appraising the merit of a proposal submitted by or on behalf of a scientist, his experience, competence, and integrity are always taken carefully into account. Purchasing activities will not knowingly award or continue a contract in support of research for one who is:

* * * * *

(b) Whenever any purchasing activity has reason to believe that the activities described in paragraph (a) (1) (i) and (ii) of this section apply to a scientific researcher whose services will be used in a proposed contract, or whose services are being used in an existing contract, all pertinent information will be forwarded by AFSC and OAR activities through AFSC (SCKP), and all other activities through AFLC (MCIMF) to the Directorate of Procurement Policy (AFSPPBA), Hq. USAF for resolution.

* * * * *

Subpart G is revised to read as follows:

Subpart G—Small Business Concerns

SEC.

AUTHORITY: The provisions of this Subpart G 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.

§ 1001.700 Scope of subpart.

This subpart sets forth the Air Force Small Business Program, its policies and procedures. The following affect the scope of this subpart: §§ 1.308(b), 2.407–6, 3.201, 3.217, 3.218, 6.104–4, §§ 163.17 and 163.72, Part 163, Subchapter E of this title; §§ 1.302–3, Subpart H, Part 1, 1.1003, 2.205, and 3.903–1 of this title and §§ 1001.302–3, Subpart H of this part, 1001.1003, 1002.205 and 1003.903–1 of this subchapter; §§ 1001.904, 1001.950, 1013.-2402(n) and 1016.810 of this subchapter; AFR 20–21, AFLCM 170–1; and Public Law 536, 85th Congress, 2d Sess. as amended by Public Law 85–699, Public Law 86–367, Public Law 87–70, Public Law 87–198, Public Law 87–305, Public Law 87–341, and Public Law 87–367.

§ 1001.701 Definitions.

§ 1001.701–1 General definition.

When in doubt as to the specific small business definition that should apply to a particular procurement, the small business specialist will request a written determination by the SBA regional office having jurisdiction over the geographical area in which the procuring activity is located, and the response to this request will be included in the procurement file.

§ 1001.704 Small business officials.

§ 1001.704–2 Departmental small business advisors.

See AFR 20–21 (USAF Small Business and Labor Surplus Area Programs).

§ 1001.704–3 Small business specialists.

An Executive for Small Business is appointed at each major air command headquarters and is responsible for small business functions assigned procuring activities and contract management activities under the jurisdiction of the command headquarters. The Executive for Small Business at Hq AFLC will provide guidance in respect to small business matters to major air commands other than AFSC.

(a) Small business specialists appointed at procuring activities and contract management activities in the United States will perform functions as set forth in this section.

(1) At central procurement activities, the PR–MIPR management office or comparable office at each installation will furnish a copy of each purchase request (PR or incoming MIPR) to the small business specialist not later than when the coordinated copy is sent to the buyer for procurement action. Prior to solicitation of bids, proposals or quotations at central and base procurement activities, the buyer and the small business specialist are jointly responsible for the following procedures if the procurement is expected to exceed $2,500:

(i) Jointly review all applicable bidder's mailing lists and the proposed procurement plan to assure compliance with applicable small business and labor surplus area policies and procedures. If an SBA representative is assigned to the installation and has notified the small business specialist that he may wish to make a recommendation regarding the procurement, he may participate in the review, if available at the time, and will be furnished all available information upon which to base his recommendation.

(ii) AFPI Form 46, Small Business Office Procurement Record, must be completed and signed by the buyer and the small business specialist for every PR reviewed. The small business specialist will determine which small business definitions apply and will include the applicable definitions in Item 6 of the form. The definitions applicable to that procurement will be included in the IFB or RFP. The buyer will furnish a copy of the completed form to the office responsible for preparing the IFB or RFP and, when the procurement is to be synopsized (§ 1.1003 of this title), to the office

responsible for sending information to the U.S. Department of Commerce. The signed copy of AFPI Form 46 will be a permanent part of the procurement file. Small business specialists at procuring activities will forward copies of completed AFPI Form 46 to the Executive for Small Business according to instructions issued by their respective command headquarters.

(iii) If, prior to award, but after the preprocurement review referred to in subdivision (i) of this subparagraph, the buyer determines that circumstances require him to deviate from the coordinated plan, he will so advise the small business specialist. If the small business specialist and the buyer disagree, either at the time AFPI Form 46 is required to be signed or as to a deviation subsequently proposed, or if at any time the small business specialist considers that a proposal by a small business or labor surplus area concern has not reecived fair and equitable treatment, the matter will be promptly submitted to the Director of Procurement and Production at an AFLC purchasing activity, and to a comparable level at other procurement activities, for final decision.

(iv) The buyer will furnish a copy of the abstract of bids or proposals to the small business specialist for review and use as a guide in future procurements for the same or similar supplies or services.

(v) When a contract is to be based on an engineering or laboratory evaluation, the evaluation report will be made available to the small business specialist prior to award, for such comment or recommendation as he may decide to make.

(vi) Since small business office records at central procurement activities are filed by PR number rather than by IFB/RFP number or contract number, AFPI Form 46C, Small Business Cross Reference Card, may be used as a cross reference file.

(b) Contract Management Regions: An assistant for small business will be assigned to exercise staff supervision over the small business and labor surplus area functions of CMDs, CMOs, and AFPROs within the geographical boundaries of the region.

(c) Contract Management Districts and Contract Management Offices: An assistant for small business will be assigned to:

(1) Exercise surveillance of small business and labor surplus area subcontracting programs established by contractors or subcontractors within the CMD/CMO geographical boundaries (see §§ 1.707 and 1.805 of this title), and to participate in purchasing system surveys (see § 1003.903–3 of this subchapter).

(2) Assist small business and labor surplus area concerns to participate in AF procurements at either the prime or subcontract level (see § 1016.810–50 of this subchapter).

(3) Coordinate on requests for facilities expansion (see § 1013.2402(n) of this subchapter).

(4) Participate as a voting member in FCR review board meetings when an FCR on a small business or labor surplus area concern is under consideration.

§ 1001.705 Cooperation with the Small Business Administration.

§ 1001.705–6 Certificates of competency.

See §§ 1001.950, 1001.951 and 1001.952.

§ 1001.706 Set-asides for small business.

§ 1001.706–1 General.

(a) If circumstances permit the use of Pre-invitation Notices (see § 2.205–4(c) of this title and § 1002.205–4(c) of this subchapter) and the Commerce Business Daily prior to issuing IFB's or RFP's, the definition for that particular procurement will be included in the Pre-invitation Notice and in the transmittal to the Department of Commerce. Prospective suppliers will be required to state in their replies to the Pre-invitation Notices whether they qualify as small business according to that definition. In such cases no determination as to the applicability of a set-aside will be made until the replies to the Pre-invitation Notices have been reviewed to determine the extent of available competition.

§ 1001.706–2 Review of SBA set-aside proposals.

If the contracting officer is notified that the SBA regional office is requesting the Administrator of SBA to appeal to the Secretary of the Air Force, the head of the purchasing activity will forward to Hq USAF (AFSPP–B) through Hq AFLC or AFSC as appropriate, two copies of all pertinent documents and justification for the action taken.

§ 1001.706–3 Withdrawal or modification of set-asides.

(a) No implementation.

(b) See § 1001.706–2.

§ 1001.706–4 Reporting for Department of Commerce procurement synopsis.

See § 1.1003 of this title.

§ 1001.706–5 Total set-asides.

(a)(1) Every proposed procurement for construction in excess of $2,500 and under $500,000 will be considered individually as though SBA had initiated a set-aside request and the procedure of § 1.706–2 of this title will apply.

(2) Every proposed procurement for construction, amounting to $500,000 or more will be considered on an individual procurement basis according to § 1.706–2 of this title.

§ 1001.707 Subcontracting with small business concerns.

§ 1001.707–4 Responsibility for reviewing the subcontracting program.

(a) to (b) No implementation.

(c) Immediately after award of a contract containing the clause in §§ 1.707–3(b) or 1.805–3(b) of this title, or both, the contracting officer will fill in the basic information on AFPI Form 1, Request for Determination of Responsibility for Contractor's Small Business Program, and send it with five copies to AFSC (SCK–4). An additional copy will be placed in the contract file. SCK–4, Hq AFSC, will determine which department has been assigned the responsibility for reviewing the contractor's small business and labor surplus area subcontracting programs according to §§ 1.707–4 and 1.805–4 of this title and will execute the 1st Indorsement on AFPI Form 1, as appropriate. If none of the departments have been assigned the responsibility, SCK–4 will send AFPI Form 1 to the Air Force Small Business Advisor (AFSPP–B), Hq USAF, who will return it to SCK–4 with a 2d Indorsement appropriately filled in.

(d) Promptly upon receipt of the name of a subcontractor who will participate in the small business and labor surplus area subcontracting program according to the clauses in §§ 1.707–3(b) and 1.805–3(b) of this title, the administrative contracting officer will fill out AFPI Form 1 and follow the procedure in paragraph (c) of this section.

(e) See § 1003.903–3(a) of this subchapter.

§ 1001.707–5 Reports on DD Form 1140–1.

The small business specialist in the CMD/CMO will arrange with contractors to have the original monthly report sent directly to the DOD as prescribed, and three copies sent directly to him. He will forward two copies to the Assistant for Small Business at the CMR who will forward one copy to the Executive for Small Business at AFSC (SCK–4). The small business specialist in the CMD/CMO will be responsible for timely action on the submission of DD Form 1140–1 on the part of plants whose defense small business subcontracting programs have been assigned to the cognizance of the Air Force.

Subpart H is revised to read as follows:

Subpart H—Labor Surplus Area Concerns

§ 1001.803 Application of policy.

A copy of each PR with an estimated value of $300,000 or more will be forwarded by the director of procurement and production at AFLC AMAs, the chief, procurement and production office at AFSC divisions or the deputy for procurement at AFSC centers direct to SAF–MA (Special Assistant for Economic Utilization Policy) Room 4D865, Pentagon, Washington 25, D.C., with a cover letter describing the kind of procurement action contemplated (i.e., competitive, sole source, follow-on, etc.); and a statement as to (a) Whether a partial set-aside for labor surplus area concerns will be applied (§ 1.804 of this title) and if not, why not; or, (b) whether the special labor surplus area test procedures established by the Assistant Secretary of Defense (I&L) and which apply to all procurements over $100,000 will be used and if not, why not. If the procurement is one specifically excepted from the test procedures, that fact should be indicated and the exception cited. If procurement action is to be taken by an activity other than the one which forwards the PR to SAF–MA, that fact should be indicated in the covering letter, and the procuring activity identified. The activity that will take the procurement action is then responsible for furnishing the foregoing

information to SAF–MA. The PRs and the covering letter will be forwarded to SAF–MA at least 10 work days prior to any Source Selection Board or other action leading to source selection to permit SAF–MA sufficient time to make any labor surplus area recommendations deemed necessary.

(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)

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

§ 1002.404–1 [Amended]

In § 1002.404–1 delete paragraph (c).

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart Y—Packing and Crating

A new Subpart Y is added as follows:

Sec.
1004.2500 Scope of subpart.
1004.2501 Applicability of subpart.
1004.2502 Placement of orders against basic contract.

AUTHORITY: The provisions of this Subpart Y 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.

§ 1004.2500 Scope of subpart.

This subpart contains instructions for the placement of orders and subsequent administration thereof for Packing and Crating contracts.

§ 1004.2501 Applicability of subpart.

This subpart applies to all AF procuring activities.

§ 1004.2502 Placement of orders against basic contract.

The procedures established herein provide for placement of contractual requirements (oral calls) by an individual located in the base procurement office or contracting officer located in the Transportation Office against an Unfunded Blanket Delivery Order established by the contracting officer (base procurement) for a specified period in an estimated amount. Each Delivery Order will contain the name of the individual authorized to place calls.

(a) to (f) [Reserved]

(g) The contractor's invoices for services will be directed to the transportation officer who will place upon them a certificate of services rendered (AFM 177–102, paragraph 10112). The transportation officer will then periodically (normally at the end of each month) prepare Standard Form 1034 setting forth each call number, individual for whom services were performed, special order number, the dollar amount, and citations of the various funds set forth in the special orders with the total amount chargeable to each and add completed DD Form 1299, DD Form 619, necessary special orders and vendors' invoices and forward them to the contracting officer. The contracting officer will then certify Standard Form 1034 and forward the entire package to accounting and finance for payment.

PART 1005—INTERDEPARTMENTAL PROCUREMENT

Subpart L—Commodity Assignment

A new Subpart L is added as follows:

Sec.
1005.1201 Assignment authority.
1005.1201–50 Procurement of lumber and allied products—FSG 55.

AUTHORITY: The provisions of this Subpart L 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.

§ 1005.1201 Assignment authority.

§ 1005.1201–50 Procurement of lumber and allied products—FSG 55.

(a) *Procurement responsibility.* The procurement of Lumber and Allied products (FSG 55) is the responsibility of the Defense Construction Supply Center (DCSC), P.O. Box 2059, Columbus 16, Ohio. This procurement assignment is authorized by DODI 4115.1 and implemented in § 5.1201–6 or this title. However, purchase of these items is authorized locally when the following conditions exist:

(1) The total requirement for any single purchase action is less than one rail carload lot (36,000 pounds) for standard commercial items (see § 9.201 (d) of this title) or one truckload lot (18,000 pounds or less) for all other items.

(2) It is determined that a purchase on a one-time basis in excess of the limitations established in paragraph (1) of this section would be more advantageous procured locally and would provide overall savings to the Government. In these cases, the requiring activity must obtain the prior approval of the SDP Lumber Branch, DCSC, Columbus, Ohio, and must furnish that office with a full statement of facts to justify such purchase.

(3) In case of an emergency procurement, see § 5.1103–4 of this title. When such emergency purchases are made, the SDP Lumber Branch, DCSC, will be furnished a copy of the contractual document with a full statement of facts which justified the emergency procurement.

(4) The items are for research and development. (See § 5.1103–2 of this title.)

PART 1006—FOREIGN PURCHASES

Subpart U—Procurement Services for the Federal Republic of Germany

In § 1006.2103 a new paragraph (g) is added as follows:

§ 1006.2103 Policies.

* * * * *

(g) When sources are designated by the Federal Republic of Germany (FRG), negotiations shall be conducted only with the designated source or sources. The contract file shall be documented with a finding and determination signed by the contracting officer stating that the FRG has designated the source and, therefore, it is impractical to obtain competition. No further authorization to negotiate with the selected source(s) will be required. When, in the opinion of the contracting officer, negotiations with only the selected source(s) result in unreasonable prices or unfair terms and conditions, the FRG will be advised of the circumstances present and requested to verify whether negotiations should be conducted with only the designated source(s).

PART 1008—TERMINATION OF CONTRACTS

Subpart F—Termination for Default

Revise § 1008.650 to read as follows:

§ 1008.650 Authority to terminate for default.

(a) *Delegation of authority to the Commander, AFSC.* The authority to terminate for default of the contractor those contracts entered into pursuant to the various citations in § 1008.200–50 is hereby delegated to the Commander, AFSC, and Commander AFLC, with power of redelegation to be exercised subject to the provisions of ASPR, AFPI, and other pertinent publications and directives.

(b) *Delegation of authority to Deputy Chief of Staff, Procurement and Production, Hq AFSC.* The authority vested in the Commander, AFSC, in paragraph (a) of this section, is hereby delegated with power of redelegation to Deputy Chief of Staff, Procurement and Production, Hq AFSC.

(c) *Redelegation of authority from Deputy Chief of Staff, Procurement and Production, Hq AFSC.* The authority vested in the Deputy Chief of Staff, Procurement and Production, Hq AFSC, is hereby delegated with power of redelegation to the Director of Contract Management, Hq AFSC, and in his absence, the Acting Director of Contract Management, Hq AFSC.

(d) *Redelegation of authority from the Director of Contract Management, Hq AFSC.* The authority to terminate contracts for default of the contractor is hereby delegated to the respective commanders of the commands and/or activities named in paragraphs (1) and (2) of this paragraph, with power of redelegation to duly appointed contracting officers:

(1) Chief, Contract Administration Division, AFSC (SCKAA).

(2) Commanders, each contract management region, within the CMR readjustment division.

(e) *Delegation of authority to Director of Procurement and Production, Hq AFLC.* The authority vested in the Commander, AFLC, in paragraph (a) of this section, is hereby delegated with power of redelegation to the Director of Procurement and Production, Hq AFLC, and in his absence, the Acting Director of Procurement and Production, Hq AFLC.

(f) *Redelegation of authority from the Director of Procurement and Production, Hq AFLC.* The authority to terminate contracts for default of the contractor is hereby delegated to the

respective commanders of the commands and/or activities named in paragraphs (1) through (6) of this paragraph, with power of redelegation to duly appointed contracting officers:

(1) Major oversea commanders.
(2) Commander APRFE.
(3) Commander APRE.
(4) Respective commanders MATS, ADC, and SAC installations outside the Continental United States, in areas not within the jurisdiction of any other major commander.
(5) Chief, AF foreign mission.
(6) Air Attaches.

(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. 37, Dec. 27, 1963; AFPC 5, Jan. 20, 1964]

By 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. 64–2223; Filed, Mar. 6, 1964; 8:47 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 54]

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

Limitation of Handling

§ 907.354 Navel Orange Regulation 54.

(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 March 5, 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., March 8, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, are hereby fixed as follows:

(i) District 1: 675,000 cartons;
(ii) District 2: 625,000 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: March 6, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2349; Filed, Mar. 6, 1964; 11:18 a.m.]

[Valencia Orange Reg. 72]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.372 Valencia Orange Regulation 72.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908; 27 F.R. 10089), regulating the handling of Valencia 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 Valencia 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 Valencia 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 Valencia 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 Valencia 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 March 5, 1964.

(b) *Order.* (1) The respective quantities of Valencia 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., March 8, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 75,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," 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: March 6, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2350; Filed, Mar. 6, 1964; 11:18 a.m.]

[Lemon Reg. 101]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.401 **Lemon Regulation 101.**

(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 March 3, 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., March 8, 1964, and ending at 12:01 a.m., P.s.t., March 15, 1964, are hereby fixed as follows:

(i) District 1: 7,440 cartons;
(ii) District 2: 186,000 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: March 5, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–2282; Filed, Mar. 6, 1964; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 62–WE–156]

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

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

On July 18, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 7356) stating that the Federal Aviation Agency proposed to alter the Larson AFB, Moses Lake, Wash., control zone, revoke the Ephrata, Wash., and Moses Lake control area extensions and designate the Moses Lake transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America concurred with the proposed actions. The Aircraft Owners and Pilots Association concurred with the control zone alteration, but suggested that the transition area proposed with a floor of 700 feet above the surface be reduced and that the portion of the 1,200-foot area beyond a 25-mile radius area be raised to 4,000 feet MSL.

The FAA, having studied the suggestions received from AOPA, has determined that configuration of the proposed 700-foot transition area represents the minimum airspace required to provide protection for aircraft executing IFR arrival, departure and radar vectoring procedures conducted at the Larson AFB and Ephrata Airport below the proposed 1,200-foot floor area. Raising of the floor in the portion of the proposed 1,200-foot floor transition area beyond a 25-mile radius of Larson AFB/Ephrata Airport would adversely effect the flexibility of radar air traffic control services furnished aircraft while executing prescribed instrument approach, departure, holding and radar vectoring procedures within the Ephrata Airport/Larson AFB terminal area. However, the FAA has determined that the floors of the portions of the proposed Moses Lake transition area extensions based on the Ephrata VOR 336° True radial, extending from 39 to 44 miles northwest, and the Larson VOR 141° True radial southeast of V112 W, could be raised from 1,200 feet above the surface to 5,000 feet MSL and 4,000 feet MSL, respectively, with no adverse effect on instrument flight activity. Therefore, action is taken herein to adopt the changes as stated herein and in the Notice.

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 Moses Lake, Wash., control zone is amended to read:

Moses Lake, Wash.

Within a 5-mile radius of Larson AFB, Moses Lake, Wash. (latitute 47°12'35'' N., longitude 119°18'50'' W.); within 2 miles each side of the Ephrata VOR 157° radial, extending from the 5-mile radius zone to 4 miles SE of the VOR, and within 2 miles E and 2.5 miles W of the 341° bearing from the Larson RBN, extending from the 5-mile radius zone to the RBn, excluding the portion within the Ephrata, Wash., control zone.

2. In § 71.165 (29 F.R. 1073), the following control area extensions are revoked:

a. Moses Lake, Wash.
b. Ephrata, Wash.

3. In § 71.181 (29 F.R. 1160), the following transition area is added:

Moses Lake, Wash.

That airspace extending upward from 700 feet above the surface within a 16-mile radius of Larson AFB, Moses Lake, Wash. (latitude 47°12'35'' N., longitude 119°18'50'' W.), and within a 13-mile radius of the Ephrata, Wash., VOR; and that airspace extending upward from 1,200 feet above the surface within a 39-mile radius of Larson AFB; within 5 miles SW and 9 miles NE of the Larson VOR 141° radial, extending from the 39-mile radius area to V–112, excluding the airspace below 4,000 feet MSL between V–112 and V–112W; and that airspace SW of Moses Lake, extending from the 39-mile radius area, bounded on the S by latitude 46°55'00'' N., on the W by longitude 120°15'-00'' W., and on the N by latitude 47°-00'00'' N.; and that airspace extending upward from 5,000 feet MSL within 5 miles each side of the Ephrata VOR 336° radial, extending from the 39-mile radius area to 44 miles NW of the VOR; excluding the portions within R–6715 and the Ellensburg, Wash., transition area.

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

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

Issued in Washington, D. C., on March 2, 1964.

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

[F.R. Doc. 64–2202; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-AL-30]

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

Designation and Alteration of Transition Areas

On February 4, 1964, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (29 F.R. 1696) stating that the Federal Aviation Agency proposed to designate 172 mile radius transition areas at Anchorage, Alaska, Fairbanks, Alaska, and King Salmon, Alaska.

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

In consideration of the foregoing, the following actions are taken:

Section 71.181 (29 F.R. 1160) is amended as follows:

1. The following transition area is added:

Anchorage, Alaska.

That airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VOR. The airspace outside the United States, the airspace 14,500 feet MSL or above less than 1,500 feet above the surface, and the airspace within Federal airways, Control 1218, Control 1310, the Anchorage, Alaska, Cordova, Alaska, Kenai, Alaska, and Middleton Island, Alaska, control area extensions and the airspace within the Fairbanks, Alaska, and King Salmon, Alaska, transition areas is excluded.

2. The Fairbanks, Alaska, transition area is amended as follows: "excluding the portion within R-2206. The portions within R-2202, R-2205, R-2207 and R-2209 shall be used only after obtaining prior approval from appropriate authority." is deleted, and "and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Fairbanks RR. The airspace outside the United States, the airspace 14,500 MSL or above less than 1,500 feet above the surface, the airspace within Federal airways above 14,500 feet MSL, and the airspace within the Bettles, Alaska, and Minchumina, Alaska, control area extensions, and the airspace within R-2206 is excluded." is substituted therefor.

3. The King Salmon, Alaska, transition area is amended as follows: "extending from the RR to 85 miles NW." is deleted and "extending from the RR to 85 miles NW; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the King Salmon VOR. The airspace outside the United States, the airspace within Federal airways above 14,500 feet MSL, the airspace within Control 1217, Control 1400, Control 1401, Control 1484 and the airspace within the Kodiak, Alaska, control area extension is excluded." is substituted therefor.

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

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

Issued in Washington, D.C., on March 2, 1964.

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

[F.R. Doc. 64-2203; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-EA-101]

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

Alteration of Federal Airway

On February 7, 1964, Federal Register Document 64-1216, was published in the FEDERAL REGISTER (29 F.R. 1843) and amended Part 71 [New], in part, by altering VOR Federal airway No. 1731 from Ironsides Intersection to the intersection of the Andrews, Md., 060° and Baltimore, Md., 197° radials. This airway should have been altered between Ironsides Intersection and Rock Hall Intersection (interesection of Andrews 060° and Baltimore 097° radials). Such action is taken herein.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary. For the reasons stated in the preamble to the rule as initially adopted, the effective date adopted therein is retained.

In consideration of the foregoing, effective immediately, Item 2 of Federal Register Document 64-1216, is amended to read:

2. Section 71.143 (29 F.R. 1049) is amended as follows:

In V-1731, "Andrews AFB, Md., 213° radials; Andrews AFB; INT Andrews AFB 061°, Baltimore, Md., 197° radials; 10 miles wide INT Andrews AFB 061°," is deleted and "Andrews, Md., 214° radials; Andrews; INT Andrews 060° Baltimore, Md., 197° radials; 10 miles wide INT Andrews 060°," is substituted therefor.

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

Issued in Washington, D.C., on February 28, 1964.

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

[F.R. Doc. 64-2204; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-PC-12]

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

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On July 18, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 7358) stating that the Federal Aviation Agency proposed to revoke Red Federal airway No. 87 from Honolulu, Hawaii, to Hilo, Hawaii, and to revoke the Honolulu radio range, the Maui, Hawaii, radio range, the Hilo radio range and the Bayview, Hawaii, Intersection as reporting points. (The Bayview, Hawaii, Intersection was inadvertently listed as the Baker, Hawaii, Intersection in the Notice).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Hawaiian Airlines, in commenting on the Notice, offered no objection to the proposed revocation of Red 87. However, they referred to the Agency's proposal to shut down the Hilo, Lanai and Upolu Point VORs for conversion to VORTACs and requested that Red 87 be retained for airway coverage between Honolulu and Hilo until the VORTAC conversion was completed. They were assured that no two facilities would be shut down at the same time and that a combination of Victors 15, 1, 2 and 16 together with a temporary route structure based on the Hilo radio range would provide a choice of adequate routes between Honolulu and Hilo. No other comments were received.

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

1. In § 71.107 (29 F.R. 1007) R-87 is revoked.

2. In § 71.215 (29 F.R. 1230) the following are deleted:

(a) Bayview INT: INT E course Hilo, Hawaii, RR, 022° bearing Pahoa, Hawaii, RBN.

(b) Hilo, Hawaii, RR.

(c) Honolulu, Hawaii, RR.

(d) Maui, Hawaii, RR.

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 28, 1964.

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

[F.R. Doc. 64-2205; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-94]

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

Alteration of Federal Airway

On November 19, 1963, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (28 F.R. 12258) stating that the Federal Aviation Agency (FAA) proposed to revoke VOR Federal airway No. 19 main airway segment from Cheyenne, Wyo., to Douglas, Wyo., and redesignate the east alternate segment between these points as V-19, revoke V-19 east alternate segments from Douglas to Casper, Wyo., and from Casper to Crazy Woman, Wyo., revoke V-19 main airway segment from Crazy Woman to Sheridan,

Wyo., and redesignate V–19 east alternate between these points as V–19.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America (ATA) in commenting on the Notice requested that the main airway segment of V–19 from Cheyenne to Douglas and the main and east alternate segments of V–19 from Crazy Woman to Sheridan be retained. They contend that these main airway segments provide the shortest route for overflying aircraft and that the east alternate segment is now regularly used by scheduled air carriers into and out of Sheridan. The FAA has evaluated the main and alternate segments of V–19 in light of the ATA's requests and has determined that retention of those segments is justified.

Accordingly, action is taken herein to revoke only the east alternate segments of V–19 from Douglas to Casper and from Casper to Crazy Woman. The ATA also stated in their comments a desire for a direct route alignment between Cheyenne and Casper. The FAA is presently evaluating such a route alignment and if found practicable will initiate a separate airspace action at a later date. No other comments were received.

In consideration of the foregoing, § 71.123 (29 F.R. 1009) is amended as follows: In V–19 "Casper, Wyo., including an E alternate; Crazy Woman, Wyo., including an E alternate via INT of Casper 007° and Crazy Woman 146° radials;" is deleted and "Casper, Wyo.; Crazy Woman, Wyo.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

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

Issued in Washington, D.C., on February 27, 1964.

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

[F.R. Doc. 64–2206; Filed, Mar. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 64–WA–11]

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

Designation of Reporting Point

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to designate the Utah Intersection (intersection of the San Juan, P.R., 314° and Ramey, P.R., 354° True radials, latitude 19°35′ N., longitude 67°15′ W.) as a reporting point at all altitudes for aircraft operating on Route 3 to San Juan and on Route 1 to Ramey. Air traffic control requirements periodically change with regard to specific reporting points due to modifications of operating procedures or alterations to airway configurations. Recent changes of this nature require that the Utah Intersection be designated as a reporting point.

Since this amendment is procedural in nature and does not involve designation of airspace, notice and public procedure are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

Since this action involves the designation of a reporting point outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, the following action is taken:

In § 71.209 (29 F.R. 1226) "Utah INT: INT San Juan, P.R., 314°, Ramey, P.R., 354° radials, at latitude 19°35′ N., longitude 67°15′ W." is added.

This amendment 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 March 2, 1964.

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

[F.R. Doc. 64–2207; Filed, Mar. 6, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–400]

PART 295—TRANSATLANTIC SUPPLEMENTAL AIR TRANSPORTATION

Revision of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1963.

Present Part 295, as amended, sets out the general requirements governing applications for and operations under special orders to carriers holding certificates of public convenience and necessity for the carriage of property only and property and mail only pursuant to Part 207 of the Economic Regulations and amendments to interim operating certificates of supplemental carriers operating under section 7 of Public Law 87–528, authorizing for periods up to 180 days but terminating not later than September 30 of any year, the performance of pro rata, mixed and/or single entity charter flights for transatlantic passengers.

In its decision in the Transatlantic Charter Investigation, Docket 11908 et al., dated October 8, 1963, the Board granted certificates of public convenience and necessity to two [1] supplemental air carriers (Capitol Airways, Inc., and Saturn Airways, Inc.) under section 401 (d) (3) of the Act, for supplemental air transportation of persons and their personal baggage between points in the 48 contiguous States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand, for a period of five years, subject to the terms, conditions and limitations of this revised Part 295. The revision contained herein implements the determination contained in the aforesaid order by redefining charter flights and specifying the terms, limitations and conditions under which such certificated transatlantic passenger charter operations shall be conducted.

The supplemental order of investigation in the Transatlantic Charter Investigation [2] specified that one of the subjects of investigation should be under what terms and conditions, if any, one or more carriers should be certificated to conduct transatlantic passenger charters. The Board stated that it contemplated a full consideration of the rules which should govern such operations, including, but not limited to the rules established in Part 295 and that in determining rules to govern the broader and more permanent operations which might be authorized therein, it was patent that the Board should have the benefit of a full evidentiary hearing; the Board invited the applicants and all parties not only to offer any suggestions which they might have with regard to the suitability of the rules of Part 295 for a long-range program, but also to come forward with any new concepts which they might consider appropriate. The examiner attached to his recommended decision in that proceeding a specific revision of Part 295 based upon the current version, but modified to the extent he deemed called for by the evidence and briefs of the parties. Although the regulation we are reissuing differs in some of its provisions from the regulation recommended by the examiner and/or the parties, all of the provisions were either taken from the existing regulation or Policy Statement No. 17 (§ 399.41), [3] or their substance was the subject of intensive examination and argument by the parties. Interested parties have, therefore, been afforded an opportunity to comment on the substance of this regulation in connection with the above-mentioned proceeding. In view of the foregoing circumstances, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest.

Accordingly, the Civil Aeronautics Board hereby reissues Part 295 of the Economic Regulations (14 CFR Part 295), effective April 18, 1964, as follows:

Sec.

[1] The Board's decision of October 8, 1963, as submitted to the President for approval pursuant to section 801 of the Act, would also have granted a certificate to Overseas National Airways, Inc. The President approved the decision to award certificates to Capitol and Saturn, but returned for further evaluation the decision to award a certificate to Overseas National. Pursuant to the Board's Order E–20530, approved by the President on February 29, 1964, the proceeding has been reopened for further hearings on the financial qualifications of Overseas National.

[2] Order E–17190, July 18, 1961. This order was published in the FEDERAL REGISTER.

[3] Policy Statement No. 17 was recodified, effective January 29, 1964, in Policy Statement No. 21 as § 399.17.

Sec.

AUTHORITY: The provisions of this Part 295 issued under sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324. Interpret or apply sec. 401(d)(3) and sec. 401(n); 76 Stat. 143, 144; 49 U.S.C. 1371.

§ 295.1 Applicability.

This part establishes the terms, conditions, and limitations of transatlantic supplemental air transportation.

§ 295.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Transatlantic supplemental air transportation" means charter flights in air transportation performed pursuant to a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and their personal baggage between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand.

(b) "Charter flight" means air transportation performed by a direct air carrier where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage, on a time, mileage or trip basis: (i) By a person for his own use (including a direct air carrier or surface carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or (ii) by a representative (or representatives acting jointly) of a group for the use of such group; or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group.

With the consent of the charterer, the direct air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of six months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a formal academic study course abroad. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means (1) a solicitation going beyond the bona fide members of an orzaniza-tion (and their immediate families), such as advertising directed to the general public by radio, television, newspaper, or magazine, or (2) the solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

§ 295.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 295.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 295.5 Reporting and record retention.

(a) Fifteen days after the end of each calendar month, each carrier operating pursuant to this part shall file with the Board's Bureau of Economic Regulation a report setting forth the following information pertaining to each charter flight performed during said month pursuant to this part:

(1) Date of trip;
(2) Points served;
(3) Number of round-trip and one-way passengers;
(4) Name of chartering organization;
(5) Description of chartering organization disclosing basis for conclusion that the group is bona fide (identify criteria relied upon);
(6) Name of travel agent; and
(7) Construction of tariff charge.

(b) Prior to performing any supplemental air transportation pursuant to this part the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof.

(c) Each air carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this subchapter, as amended.

Subpart A—Provisions Relating to Pro Rata Charters

§ 295.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 295.11 Solicitation and formation of a chartering group.

A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

§ 295.12 Pre-trip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 295.[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in §§ 295.34 and 295.35 and submit to each charter participant the information identified in § 295.34. The carrier shall also require that the charterer and any travel agent involved shall furnish it in due time for review before flight the information required in §§ 295.36 and 295.22, respectively.

§ 295.13 Tariffs to be on file.

No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or one-half the capacity of one or more aircraft in such supplemental air transportation and showing all rules, regulation practices and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

§ 295.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity or for one-half the capacity of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) Insurance coverage shall be maintained in compliance with the insurance requirements of Part 208 of this subchapter.

(c) The air carrier shall provide substitute transportation and pay incidental expenses, with respect to delays on return portions of flights, as follows:

(1) *Substitute air transportation.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the forty-eighth hour following the time scheduled for the departure of such flight, it shall provide substitute transportation in accordance with the provisions of this subparagraph.

(ii) As soon as the air carrier discovers, or should have discovered by the exercise of reasonable prudence and forethought, that the departure of any such charter flight will be delayed more than forty-eight hours, such air carrier shall arrange for and pay the costs of substitute air transportation for the charter group on another charter flight, operated by any other air carrier or foreign air carrier.

(iii) When neither the charter transportation contracted for nor substitute transportation has been performed before the expiration of forty-eight hours following the scheduled departure time of any such charter flight, the charterer, or his duly authorized agent, may arrange for substitute air transportation of the members of the charter group, at economy or tourist class fares, on individually ticketed flights and the chartered air carrier shall pay the costs of such air transportation to the substitute air carrier or foreign air carrier.

(iv) In determining the period of time during which the departure of a charter flight has been delayed within the purview of this subparagraph, periods of delay caused by the prohibition of flights from the airport of departure because of weather or other operational conditions shall be excluded if, and while, the air carrier had an airworthy aircraft which is capable of transporting the charter group in a condition of operational readiness posted at such airport.

(v) Air carriers may subcontract the performance of transatlantic passenger charter services which they have contracted to perform, only to air carriers authorized by the Board to perform such services.

(2) *Incidental expenses.* (i) On all charter flights bound from a point outside the continent where the charter originated to the point where it terminates, unless the air carrier causes an aircraft to finally enplane each passenger and commence the take-off procedures at the airport of departure before the sixth hour following the time scheduled for the departure of such flight, it shall pay incidental expenses in accordance with the provisions of this subparagraph. Such payments shall be made at the airport of departure as soon as they become due to the charterer, or its duly authorized agent, for the account of each passenger, including infants and children traveling at reduced fares.

(ii) Such payments shall be made at the rate of $16.00 for each full twenty-four hour period of delay following the scheduled departure time. However, the sum of $8.00 shall be paid for each passenger delayed six hours following the scheduled departure time. Thereafter, during the succeeding 18 hours of delay, an additional sum of $8.00 shall be paid for each passenger delayed in installments of $4.00 for the first and second succeeding six-hour period of delay, or any fractional part thereof. If the delay continues beyond a period of 24 hours following the scheduled departure time, such payments shall be made in equal installments of $4.00 for each further six-hour period of delay, or any fractional part thereof: *Provided, however*, That the air carrier may, at its option, discharge this obligation by providing free meals and lodging in lieu of making such payments. The obligation of the air carrier to pay incidental expenses or provide free meals and lodging shall cease when substitute air transportation is provided in accordance with the provisions of subparagraph (1) of this paragraph.

(d) Each and every contract for a transatlantic charter to be operated hereunder shall incorporate the provisions of paragraphs (b) and (c) of this section concerning insurance, substitute transportation, and incidental expenses.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(f) In the case of a round-trip charter, one-way passengers shall not be carried except that up to five percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the five percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each plane-load or one-half plane-load group shall move as a unit in both directions.

§ 295.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of five percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 295.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 295.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C., 20402. Single copies will be furnished without charge on written request to the Publications Unit, Civil Aeronautics Board, Washington, D.C., 20428.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 295.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 295.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

§ 295.22 Statement of supporting information.

Travel agents shall execute, and furnish to air carriers, Section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time prior to flight as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

§ 295.30 Solicitation of charter participants.

As the following terms are defined in § 295.2, members of the charter group may be solicited only from among the bona fide members of an organization, club or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 295.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[2] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 295.14(f). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load or one-half plane-load groups shall not be permitted and each such group must move as a unit in both directions.

§ 295.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

§ 295.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under twelve years of age may be transported at a charge less than the equally prorated charge; (2) children under two years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 295.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Post Flight Report" required pursuant to § 295.34.

§ 295.34 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charterer.

(b) Within 15 days after completion of each one-way or round-trip flight the charterer shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. The report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Transatlantic Charter—Post Flight Report" annexed hereto and made a part hereof.

§ 295.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least six months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

> The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, and will have been a member for at least six months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a charter composed of participants in a formal academic study course abroad.
>
> ----------
>
> (Signature)

[2] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency or college will suffice to meet the requirement.

§ 295.36 Statement of supporting information.

Charterers shall execute and furnish to air carriers Section B of Part II of the Statement of Supporting Information attached hereto and made a part hereof at such time prior to flight as required by the carrier to afford it due time for review thereof.

Subpart B—Provisions Relating to Single Entity Charters

§ 295.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 295.40 Tariffs to be on file.

The provisions of § 295.13 shall apply to charters under this subpart.

§ 295.41 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity or one-half the capacity of one or more aircraft.

(b) The terms of service prescribed in § 295.14 (b), (c), and (d) shall be applicable in the case of single entity charters.

§ 295.42 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of five percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 295.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 295.60 Advisory opinion.

An air carrier or prospective charterer may request an advisory opinion from the Bureau of Economic Regulation, Civil Aeronautics Board, Washington, D.C., 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should include as much of the information specified by Section B, Part II, of the Statement of Supporting Information as is available to the person requesting the advisory opinion.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,[1]
Secretary.

[1] Members Gurney and Gillilland dissented.

STATEMENT OF SUPPORTING INFORMATION*

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s):
(a) Going _____
(b) Returning _____

3. Points to be included in proposed flight(s):
(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____
(d) Technical stops required by carrier: _____
(e) Planned routing: _____

4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____
(c) Number of persons to be transported: _____

5. (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate the payment of any commissions, direct or indirect, in connection with the proposed flight? Yes ☐ No ☐
(b) If "yes," give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation. _____

7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes ☐ No ☐
(b) If "yes," describe services or functions: _____

8. Name and address of charterer: _____

9. If charter is single entity, indicate purpose of flight: _____

10. On what date was the charter contract executed? _____

11. If the charter is pro rata, has a copy of Part 295 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes ☐ No ☐

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or, where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____

2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____

*This must be retained by the air carrier for two years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes ☐ No ☐

4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes ☐ No ☐ If answer is "yes," explain: _____

VERIFICATION [1]

State of _____ }
County of _____ } *ss:*

_____, being duly sworn, deposes and
Name
says that to the best of his knowledge and belief all the information presented in Part II, Section A of this Statement is true and correct.

_____
Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).

Sworn to before me this day, the _____ of _____, 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

WARRANTY

I, _____, represent and warrant that
(Name)
I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.

_____
Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).

Section B—To be supplied by charterer:

1. Description of chartering organization, including its objectives and purposes: _____

2. What activities are sponsored by the chartering organization? _____

3. When was the organization founded? _____

4. Qualification or requirements for membership in organization and membership fee, if any: _____

5. Has there been any reference to prospective charter flights in soliciting new members for the chartering organization? Yes ☐ No ☐

6. If total membership in the chartering organization is less than 1,000, submit list showing names and addresses of members in

[1] See footnote * on next page.

good standing.[2] If total membership in the chartering organization is 1,000 or more, state where a list of members is available for inspection.

---

7. Attach list of prospective passengers, showing for each: Name, address, and whether a member of chartering organization or relationship to a member of chartering group. (NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually carried.)

8. Purpose of trip: ---

---

9. What are requirements for participation in charter? ---

---

10. How were prospective participants for charter solicited (attach any solicitation material)? ---

---

11. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group, residing in the same household with the member? Yes ☐ No ☐

12. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than six months prior to flight date?[2] Yes ☐ No ☐ If answer is "yes," give names of participants who will not have been members for six months and justify (see § 295.2(k)):

---

13. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration and scope of activity:

---

14. Estimated receipts: ---
(Pro rata charge)

× ---
(No. of passengers)

= $---
(Estimated receipts from charter)

Estimated receipts from other sources, if any: ---

Explain: ---

(a) Total receipts: $---

Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses):

Item	*Amount*	*Payable to*
---	---	---

(b) Total expenditures: $---

Explain any difference between (a) and (b): ---

---

15. Are any of the expenses included in Item 14, above, to be paid to any members of the chartering organization? Yes [ ] No [ ] If "yes," state how much, to whom and for what services:

---

16. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [ ] No [ ] If "yes," explain fully:

---

17. Will any person in the group (except children under two years) be transported without charge? Yes [ ] No [ ]

18. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under twelve years old? Yes [ ] No [ ]

19. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction:

---

20. If more than one round trip is contracted for, will each group move as a unit in both directions? Yes [ ] No [ ]

---

21. If transatlantic charters have been performed for organization during past 5 years, give dates and name of carrier performing charters:

---

22. Has a copy of Part 295, "Transatlantic Supplemental Air Transportation," of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [ ] No [ ]

VERIFICATION OF CHARTERER[1]

State of ---} ss:
County of ---}

--- and ---
(Name) (Name)

being duly sworn, hereby separately depose and say that to the best of the knowledge and belief of each of them all the information in Part II, Section B, of this Statement is true and correct.

(Signature of person within organization in charge of charter arrangements.)

Sworn to before me this day, the --- of ---, 19--.

(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)
[SEAL]

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the verification must be by a school official not directly involved in charter.)

Sworn to before me this day, the --- of ---, 19--.

(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)
[SEAL]

[1] Whoever, having taken an oath before a competent—person—that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than five years, or both. Title 18, U.S.C. § 1621.

WARRANTY OF CHARTERER

I, --- and ---
(Name) (Name)

represent and warrant that the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operation, in a manner consistent with Part 295 of the Board's Economic Regulations.

(Signature of person within organization in charge of charter arrangements.)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by a school official not directly involved in charter.)

VERIFICATION OF EMPLOYER[1]

(To be furnished where eligibility to participate in charter is dependent upon employment by a particular entity.)

State of ---} ss:
County of ---}

---, being duly sworn, deposes and
(Name)
says that to the best of his knowledge and belief solicitation for this charter has been confined to persons employed by ---
(Name of employer entity)
--- or persons in the immediate families of such employees.

(Signature and title of authorized official of employer.)

Sworn to before me this day, the --- of ---, 19--.

(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)
[SEAL]

WARRANTY OF AIR CARRIER

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts verified by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 295 of the Board's Economic Regulations.[2]

(Signature and title of authorized official of air carrier.)

[2] Not applicable to college campus or study-group charters, nor to charters limited to employees of a single Government agency, industrial plant or mercantile company.

[2] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to keep or preserve accounts, records and memoranda in the form and manner prescribed by the Board, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record or memorandum, shall be guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49, U.S.C., § 1472.

TRANSATLANTIC CHARTER POST FLIGHT REPORT

INSTRUCTIONS

The charterer shall complete and file a report in this form with the air carrier within 15 days of each one-way or round-trip charter flight. A report in this form shall also be furnished each charter participant by the charterer within 15 days after completion of each one-way or round-trip charter flight.

1. Name of carrier: _____
2. Name of chartering organization: _____
3. Analysis of charterer's receipts:
(a) _____
(No. of one-way psgrs.)
×_____
(Charge per psgr.[1] (including amounts later refunded))
=_____
(b) _____
(No. of round-trip psgrs.)
×_____
(Charge per psgr.[1] (including amounts later refunded))
=_____
(c) Receipts from other sources (explain)
=_____
(d) Total receipts [(a)+(b)+(c)]=_____
4. Analysis of charterer's expenditures:

Item of expenditure[2]	*Paid to*[2]	*Amount*

Total[4] _____

Verification[5]

State of _____ } ss:
County of _____ }

I, _____, being duly sworn, hereby depose and say that this report has been prepared by me or under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

_____
(Signature of person in charge of charter arrangements.)

Sworn to before me this day, the _____ of _____, 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

[1] If charter cost was not divided equally among all participants actually transported, indicate clearly the individual amounts collected and the number of passengers paying each such amount.

[2] As a separate item there should be listed here a total of all the amounts refunded to the charter participants; also list separately air transportation, land tour, and administrative expenses, and break down administrative expenses so as to show such items as postage and printing, and to show compensation for labor and personal expenses paid to any member of chartering organization.

[3] Disclose any relationship to chartering organization.

[4] If this item does not agree with item 3(d), submit an explanatory statement as to the reasons therefor. If the total expenditures (including among other items compensation to members of the chartering organization but exclusive of expenses for air transportation or land tours) exceed $750 per round trip, such expenditures shall be fully supported by vouchers submitted to and retained by the direct air carrier operating the charter. Such vouchers must cover all expenditures made on behalf of the chartering group including any expenditures for banquets, gifts, local transit, etc.

[F.R. Doc. 64-2200; Filed, Mar. 6, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 4031; Amdt. 699]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Aircraft

Amendment 600, 28 F.R. 8285, AD 63-17-4, as revised by Amendment 613, 28 F.R. 9810, requires inspection of the horizontal stabilizer and the installation of placards which restrict the airspeed limits and the use of speed brakes on Lockheed Model 1329 aircraft. Recent tests have shown that a new design stabilizer, P/N JE 205-502, is satisfactory for normal life service. Therefore, Amendment 600 as amended by Amendment 613, is being further amended to permit return to normal operation after the new stabilizer is installed.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 600, 28 F.R. 8285, AD 63-17-4, as amended by Amendment 613, 28 F.R. 9810, Lockheed Model 1329 aircraft, is further amended by adding the following new paragraph (c) to read:

(c) When a new stabilizer P/N JE 205-502 is installed in accordance with Lockheed Jetstar Service Bulletin No. 329-148 dated January 31, 1964, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region is incorporated, compliance with this AD is no longer required.

This amendment shall become effective March 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 3, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2209; Filed, Mar. 6, 1964; 8:46 a.m.]

[Reg. Doc. No. 4029; Amdt. 697]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107-II Helicopters

As a result of an investigation of a recent incident on a Vertol Model 107-II helicopter which caused the helicopter to lurch to the left 20°-40°, and upward approximately 10°-15°, it was determined that under certain types of generator failures the essential bus receives a decaying power for approximately five seconds before the operating generator is automatically switched over to feed the essential bus. This time delay is required to differentiate between transients and an actual failure. Since both stability augmentation systems are transistorized and receive a.c. power from the essential bus, the reaction to this condition is instantaneous, resulting in an improper signal output from both stability augmentation systems causing the lurching. To correct this unsafe condition, an airworthiness directive is being issued to require modification of the stability augmentation systems.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VERTOL. Applies to all Model 107-II helicopters.

Compliance required within 25 hours' time in service after the effective date of this AD.

To prevent recurrence of a serious lurching condition which has been encountered on this model helicopter, modify each stability augmentation system to derive a.c. power from its respective generator instead of the essential bus, as follows:

Remove the present a.c. electrical circuit wiring from terminals A3 and B3 of the a.c. instrument relay and from the "B" phase of the a.c. bus. Connect terminals A3 and B3 of the instrument relay to the terminal T2 of the a.c. feeder relay No. 1 and a.c. feeder relay No. 2 respectively.

(Vertol 107-II Service Bulletin No. 107-118 dated December 6, 1963, covers the same subject.)

This amendment shall become effective March 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1964.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 64-2210; Filed, Mar. 6, 1964; 8:46 a.m.]

[Reg. Docket No. 4030; Amdt. 698]

PART 507—AIRWORTHINESS DIRECTIVES

Vertol Model 107-II Helicopters

Amendment 483, 27 F.R. 9101, AD 62-20-3, imposes a service life limit of 350 hours' time in service on certain Vertol Model 107-II helicopter blade sockets and rotor pitch housings. The inclusion of this life limit on the blade sockets was a precautionary measure since the folding joint had experienced a service failure. Subsequent investigation, however, has shown that the service failure did not occur in the blade socket but in the rotor pitch housing and that the life

limit imposed by the directive on the blade sockets is unnecessary. Therefore, Amendment 483 is superseded by this new directive which removes the 350 hour service life limit on the blade sockets. However, it is still considered desirable to inspect the blade sockets at intervals not to exceed 350 hours' time in service.

Additional modification numbers have been added to the rotor pitch housing basic part number in the provision governing the service life limits since all such parts were approved by the FAA subject to the same limitation. Furthermore, additional modification numbers for rotor pitch housings and blade sockets approved subsequent to the previous directive, have been incorporated in the inspection requirements. However, this does not constitute an additional requirement for any operator since the inspections are the same as required by the previous directive and are conducted on the basis of the part number regardless of the particular modification.

Since this amendment relieves a restriction and imposes no additional burdens on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

VERTOL. Applies to all Model 107-II helicopters.

Compliance required as indicated.

As a result of a fatigue failure in service of the rotor pitch housing, accomplish the following:

(a) Unless already accomplished within the last 30 hours' time in service, before further flight inspect all rotor pitch housings P/Ns 107R2553-1, -2, -3, -4, -5, -6, -7, -8, -9, -10, -13, -14, -15, and -16 in the four lug areas which have accumulated 260 or more hours' time in service, using magnetic particle inspection method or FAA approved equivalent. To accomplish the inspection, remove rotor blades and rotor hub pitch bearing assemblies. This inspection shall be repeated at intervals not to exceed 30 hours' time in service since the last inspection.

(b) Unless already accomplished within the last 350 hours' time in service, before further flight inspect all blade sockets P/Ns 42R1043-7, -8, -11, -12, -13, and -14 in the 8 lug areas which have accumulated 350 or more hours' time in service, using magnetic particle inspection or FAA approved equivalent. To accomplish the inspection, remove rotor blades and rotor hub pitch bearing assemblies. This inspection shall be repeated at intervals not to exceed 350 hours' time in service since the last inspection.

(c) Rotor pitch housings which have accumulated less than 260 hours' time in service shall be inspected in accordance with (a) upon the accumulation of 260 hours' time in service.

(d) Blade sockets which have accumulated less than 350 hours' time in service shall be inspected in accordance with (b) upon the accumulation of 350 hours' time in service.

(e) A daily visual inspection for cracks in the lug areas shall be conducted. This may be accomplished without disassembly from the helicopter.

(f) If any cracks are found, the parts must be replaced before further flight.

(g) Rotor pitch housing P/Ns 107R2533-1, -2, -3, -4, -5, -6, -7, -8, -9, -10, -13, -14, -15, and -16 which have accumulated 350 or more hours' time in service must be retired from service.

This supersedes Amendment 483, 27 F.R. 9101, AD 62-20-3.

This amendment shall become effective March 7, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on March 2, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-2211; Filed, Mar. 6, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart B—Procedural Regulations

FURTHER EXTENSIONS OF EFFECTIVE DATE OF PUBLIC LAW 86-139 AS IT AFFECTS SECTION 408 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Under the provisions of Public Law 86-139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner has further extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published on § 120.37 (21 CFR 120.37) is amended by changing the items listed, as follows:

§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Arsenic acid	On cotton to defoliate	June 30, 1964
p-Chlorophenoxyacetic acid	On bean seeds in sprout production to eliminate embryonic root development	June 30, 1964
* * *	* * *	* * *
β-Naphthoxyacetic acid	On strawberries to stimulate growth	June 30, 1964

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute, as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Public Law 86-139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.))

Dated: March 3, 1964.

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

[F.R. Doc. 64-2245; Filed, Mar. 6, 1964; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Department of Commerce, Maritime Administration

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 99]

PART 281—INFORMATION, POLICY AND PROCEDURES UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Miscellaneous Amendments

Notice is hereby given that, effective April 15, 1964, the Maritime Subsidy Board, Maritime Administration, proposes to revise the heading of this part to read as set forth above and to add a new § 281.7 to read as follows:

§ 281.7 Policy regarding repairs performed foreign, etc.

(a) The Maritime Subsidy Board, Maritime Administration, has determined that repairs performed foreign and the use of articles, materials or supplies of foreign growth, production or manufacture, when such actions are found by the Board to be in violation of sec. 606(7), Merchant Marine Act, 1936, as amended, and Article II-4 of the company's operating-differential subsidy agreement, shall be subject to the following:

(1) An amount equal to the total cost (exclusive of applicable United States Customs duties) of said foreign repairs and purchases shall be deducted from the company's total operating-differential subsidy otherwise accrued.

(b) The acting Maritime Administrator has reaffirmed the policy of the Maritime Administration that in the event of violation, as determined by the Maritime Subsidy Board, of section 606(7), Merchant Marine Act, 1936, as amended, and Article II-4 of the operating-differential subsidy agreement, all costs thereby incurred, plus applicable United States Customs duties, shall be excluded from the determination of net profits for purposes of accounting under the reserve fund and recapture provisions of the company's operating-differential subsidy agreement.

Interested persons may submit data, views or comments relative to this matter, in writing, in triplicate, addressed to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on April 1, 1964. The Maritime Subsidy Board will consider such written data, views or comments and take such action with respect thereto as in its discretion it deems warranted.

(Sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114)

By order of the Acting Maritime Administrator/Maritime Subsidy Board.

Dated: February 28, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-2262; Filed, Mar. 6, 1964; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-171]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Maritime Mobile Service Conversion to Single Sideband

MARCH 4, 1964.

On May 13, 1963, the Commission released a Notice of Proposed Rule Making in the matter of Amendment of Parts 2, 81, 83 and 85 (formerly Parts 2, 7, 8 and 14) to establish technical standards and other requirements for the use of single sideband radiotelephony in the Maritime Services and in Public Fixed Stations in Alaska (Docket 15068). Included in the Notice was a proposal to require the use of single sideband radiotelephone transmitters on frequencies between 4 and 27.5 Mc/s, except in Alaska, after January 1, 1970.

Section 83.139 of the Commission's rules requires that radiotelephone transmitters specified in new and renewal ship station applications filed after June 1, 1963, be type accepted. The effect of § 83.139 is to require the replacement of non-type accepted transmitters upon the expiration of current station licenses.

In view of the outstanding proposal to require single sideband radiotelephone transmitters for use on frequencies between 4 and 27.5 Mc/s after January 1, 1970, the Commission believes that some relief should be afforded those licensees now operating on frequencies between 4 and 27.5 Mc/s who are faced with an equipment replacement problem.

Accordingly, until the proposed rules in Docket 15068 have been made effective and for a reasonable time thereafter, the Commission will consider requests for waiver of § 83.139 of the rules to permit the continued operation of non-type accepted ship radiotelephone transmitters on frequencies between 4 and 27.5 Mc/s to permit conversion to single sideband when type accepted equipment is available.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2253; Filed, Mar. 6, 1964; 8:51 a.m.]

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[1] Commissioners Henry, Chairman; and Ford absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO-319-A4]

MILK IN INDIANAPOLIS, INDIANA, MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Indianapolis, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Indianapolis, Indiana, on February 7, 1964, pursuant to notice thereof which was issued on February 1, 1964 (29 F.R. 1656).

The material issues on the record of the hearing relate to:

1. Pooling requirements for distributing plants; and

2. Whether an emergency exists which warrants the omission of a recommended decision and the opportunity for interested parties to file exceptions thereto and the immediate issuance of a final decision.

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

(1) Pooling requirements for a distributing plant should be changed so that a handler can pool by selling therefrom on routes (as Class I milk) 50 percent of the Grade A milk receipts from producers and pool supply plants in lieu of such percentage of all Grade A milk receipts at the plant.

This revision will modify the present pooling standards in only one major respect. It will permit the handler to subtract receipts from other pool distributing plants and nonpool plants (ordinarily received for manufacturing use) in calculating whether the plant meets the Class I percentage requirement and thus qualifies as a pool plant. Thus, the percentage requirement for Class I use as a basis for pooling will be related to the normal and regular quantities of milk received to fulfill such use.

The present pooling provisions require a handler to dispose of on routes 50 percent of all Grade A milk receipts (except diverted milk from other order plants), including any surplus milk of other plants bought for manufacturing, in order to pool a distributing plant. Proponent indicated that he could not buy all the milk that would be offered to his New Bremen, Ohio, distributing plant during the coming flush production months and still retain pool status. It was stated that if he accepted for processing the increased quantities of surplus Grade A milk which would be available from area distributing plants, the plant's Class I utilization would almost certainly fall below the 50 percent figure required for pooling.

Proponent wishes to remain an Indianapolis regulated handler in the coming months in order to avoid operational problems involved in switching back and forth from regulated to unregulated status or to pool status under some other order.

Proponent's pool distributing plant at New Bremen, Ohio, is a combination bottling and manufacturing operation. Bottling milk for the routes served from the plant is regularly supplied by about 230 can and bulk tank producers. Additional milk for fluid use is bought when needed from an Indianapolis pool supply plant at Bluffton, Indiana.

In the manufacturing portion of the plant ungraded milk and surplus Grade A milk are processed into butter, nonfat dry milk powder and condensed milk. Surplus can and bulk tank milk flows into the manufacturing operation from sources in Indiana, Ohio and Michigan. Surplus milk customarily is received from regulated plants in the Indianapolis, Dayton-Springfield, Fort Wayne, Cincinnati, North Central Ohio, Northeastern Ohio and Southern Michigan Federal order markets. The manufacturing portion of the plant has capacity to process up to a million pounds of milk per day.

Increased milk receipts at this plant are likely this spring and summer. This is partly because of the recent closing of a large milk manufacturing plant at Union City, Indiana. Before its closing last year, the Union City plant was a major outlet for surplus milk from Indianapolis area plants. With this plant shut-down, milk which once was processed there is being channeled instead to proponent's New Bremen, Ohio manufacturing operation. This shift of milk has already begun and it is likely to accelerate as milk production rises in the coming spring months. Several Indianapolis distributors who previously had sold surplus milk to the Union City plant are also now shifting milk to the New Bremen plant. With the decline in the number of fluid milk plants receiving can milk, milk from can producers is seeking this outlet since the New Bremen plant is one of the few remaining outlets for can milk in the area.

It is essential that this important manufacturing outlet remain in position to receive the Indianapolis market's normal seasonal surplus of milk. If the New Bremen handler were forced to cutback purchases of surplus milk of the Indianapolis market in order to pool, it is likely that some milk would be without a nearby market this spring. This would force the shipment of at least some of such surplus milk to considerably more distant plants for manufacture. Moreover, the market for milk in cans would be diminished if this New Bremen plant were to curtail its purchases since there are so few other reasonably available outlets for this milk.

On the other hand, if the New Bremen plant bought all the surplus milk offered and thereby lost pool status, there would also be undesirable effects for the Indianapolis market. In this circumstance the milk of approximately the 230 producers supplying the plant would be made ineligible for pooling and thus be denied the minimum price guarantee of the order. An additional 200 producers supplying the New Bremen plant from the Bluffton, Indiana supply plant likewise could become ineligible for the order's minimum prices. This is so because such plant depends partly on the New Bremen plant's pool eligibility (as a distributing plant) for its own qualification as a pool plant.

This amendment likewise would increase opportunities for other Indianapolis regulated handlers to handle surplus milk within the market. Such distributors will be assisted in accommodating occasional loads of surplus milk from other bottlers without fear of losing pool status. This will allow local processing at pool plants of some milk which otherwise would have to be shipped to more distant outlets.

The proposed amendment was supported also by another pool handler and by a producer association. No opposition testimony was offered. The provision should be adopted.

(2) The omission of a recommended decision, to expedite amendment procedure, is not warranted in the circumstances.

At the hearing proponent requested that emergency action be taken to amend the pooling provisions as soon as possible. It was requested that the Secretary omit the issuance of a recommended decision in order that any order amendment may be expedited. The Secretary may omit the recommended decision if he finds on the basis of the record that due and

timely execution of his functions imperatively and unavoidably requires such omission. In this instance, however, the recommended order amendment deals with a problem associated primarily with the normal seasonal rise in milk production. Normal amendment procedure will accommodate the problem. Omission of the recommended decision is not warranted under the conditions found.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order. The following order amending the order as amended regulating the handling of milk in the Indianapolis, Indiana marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended: § 1049.12(a) is revised to read as follows:

§ 1049.12 Pool plant.

* * * * *

(a) A distributing plant from which not less than 50 percent of the Grade A milk received at such plant from producers and pool supply plants as defined in paragraph (b) of this section is disposed of during the month on routes and not less than 10 percent of such receipts is disposed of on routes in the marketing area. A distributing plant which was a pool plant in each of the months of September through May, inclusive, shall continue to be a pool plant in the months of June, July, and August immediately following if fluid milk products are disposed of from the plant in the marketing area on routes during such month;

* * * * *

Signed at Washington, D.C., on March 4, 1964.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 64-2260; Filed, Mar. 6, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-CE-117]

FEDERAL AIRWAYS

Proposed Extension

In a notice of proposed rule making published in the FEDERAL REGISTER on November 27, 1963 (28 F.R. 12626), it was stated that the Federal Aviation Agency proposed to extend VOR Federal airway No. 181 from Sioux Falls, S. Dak., via Yankton, S. Dak.; Norfolk, Nebr.; to Neola, Iowa, and to extend VOR Federal airway No. 219 from Wolbach, Nebr., via Norfolk to Sioux City, Iowa.

In commenting on the proposals contained in the notice, the Air Transport Association of America requested that the proposed segment of V-181 from Norfolk to Neola be realigned from Norfolk direct to Omaha, Nebr. This requested realignment would facilitate air traffic by providing a shorter direct route between Norfolk and Omaha.

Accordingly, the notice is hereby amended to propose that V-181 would be extended from Sioux Falls via Yankton; Norfolk; to Omaha.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material is hereby extended to March 27, 1964. 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.

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 March 2, 1964.

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

[F.R. Doc. 64-2212; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SO-82]

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. 37 includes a west alternate airway extending from Savannah, Ga., via the intersection of the Savannah 282° and the Allendale, S.C., 194° True radials to Allendale. 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 west alternate of Victor 37 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 March 2, 1964.

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

[F.R. Doc. 64-2213; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-WA-101]

FEDERAL AIRWAYS

Proposed Alteration

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.

In Airspace Docket No. 63-AL-27 published in the FEDERAL REGISTER (29 F.R. 253) on January 10, 1964, effective March 5, 1964, VOR Federal airway No. 438 was realigned from Anchorage, Alaska, via Talkeetna, Alaska, to Nenana, Alaska. A segment of VOR Federal airway No. 436 extends from Anchorage to the Peters Creek, Alaska, Intersection (intersection of the Anchorage 347° True radial and the Skwentna, Alaska, radio range northeast course). The FAA has under consideration the revocation of the segment of Victor 436 from Anchorage to Peters Creek Intersection and the designation of a standard west alternate to Victor 438 from Anchorage to Talkeetna. The designation of this west alternate of Victor 438 from Anchorage to Talkeetna would provide a bypass route for arriving and departing traffic at Anchorage during periods of heavy traffic and obviate the requirement for the segment of Victor 436.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. 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 Chief, Airspace Regulations and Procedures Division. 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.

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 March 2, 1964.

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

[F.R. Doc. 64-2214; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-1]

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. 72 is designated in part from Troy, Ill., via Vandalia, Ill., Westpoint, Ind., to Lafayette, Ind. The Federal Aviation Agency is considering the revocation of this airway segment. The latest Federal Aviation Agency IFR peak day airway traffic survey for this segment of Victor 72 shows a maximum of one aircraft movement between Troy and Vandalia, a maximum of six aircraft movements between Vandalia and Westpoint and no aircraft movements between Westpoint and Lafayette. Therefore, it appears that this segment of Victor 72 is unjustified as an assignment of airspace and that it could be revoked.

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

Issued in Washington, D.C., on March 2, 1964.

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

[F.R. Doc. 64-2215; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-2]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

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. 193 is designated in part from the White Cloud, Mich., VOR direct to the Traverse City, Mich., VOR.

The Federal Aviation Agency is considering alteration of V-193 by adding a west alternate segment between White Cloud and Traverse City via the INT of the White Cloud 329° and the Traverse City 235° radials.

This west alternate to V-193 is proposed in accordance with Airway Planning Standard No. 2, paragraph I.A.3(a), to serve the Manistee Blacker Airport, Manistee, Mich., which is a permanent air carrier stop, thereby qualifying for air route traffic control service.

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 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 27, 1964.

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

[F.R. Doc. 64-2216; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-EA-9]

FEDERAL AIRWAY SEGMENT

Proposed Revocation

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

VOR Federal airway No. 174 is designated in part as a common airway segment with VOR Federal airway No. 44 from Falmouth, Ky., to York, Ky. The FAA is considering the revocation of this segment of V-174. The latest FAA IFR peak day airway traffic survey for this segment of V-174 shows a maximum of four aircraft movements between Falmouth and York. Therefore, it appears that this airway segment is unjustified as an assignment of airspace and that it could be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. 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. 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 27, 1964.

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

[F.R. Doc. 64-2217; Filed, Mar. 6, 1964; 8:46 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-4]

JET ROUTE

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 64 presently extends in part from the Alamosa, Colo., VOR to the Hill City, Kansas, VOR and from the Pawnee City, Nebraska, VORTAC to the Bradford, Ill., VOR. The FAA proposes to alter these segments of J-64 by realigning the segment from Alamosa to Hill City via the Lamar, Colo., VOR; and the segment from Pawnee City to Bradford via the Lamoni, Iowa, VOR. Such action would provide more precise navigational guidance on these segments of J-64.

There would be no requirement for the designation of the Lamar and Lamoni VOR's as compulsory high altitude reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. 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 Chief, Airspace Regulations and Procedures Division. 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.

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 27, 1964.

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

[F.R. Doc. 64-2218; Filed, Mar. 6, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-5]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering amendments to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Routes Nos. 18 and 26 are presently designated in part from the Kansas City, Mo., VORTAC via the intersection of the Kansas City VORTAC 060° and the Bradford, Ill., VOR 247° True radials to the Bradford VOR. The FAA proposes to alter these segments of J-18 and J-26 by realigning them from the Kansas City VORTAC via the Kirksville, Mo., VORTAC to the Bradford VOR. Such action would provide more precise navigational guidance on these segments of J-18 and J-26.

Jet Route No. 87 is presently designated in part from the Butler, Mo., VOR via the intersection of the Butler VOR 009° and the Kansas City VORTAC 060° True radials; the intersection of the Kansas City VORTAC 060° and the Bradford VOR 247° True radials; to the Bradford VOR. The FAA proposes to alter this segment of J-87 by realigning it from the Butler VOR via the intersection of the Butler VOR 009° and the Kirksville VORTAC 242° True radials; the Kirksville VORTAC; to the Bradford VOR. Such action would provide more precise navigational guidance on this segment of J-87.

There would be no requirement for the designation of the Kirksville VORTAC as a compulsory high altitude reporting point.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. 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 Chief, Airspace Regulations and Procedures Division. 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.

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 27, 1964.

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

[F.R. Doc. 64-2219; Filed, Mar. 6, 1964; 8:47 a.m.]

[14 CFR Part 75 [New]]

[Airspace Docket No. 64-WA-7]

JET ROUTES

Proposed Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Part 75 [New] of the Federal Aviation Regulations, the substance of which is stated below.

Jet Route No. 89 is presently designated in part from the Atlanta, Ga., VORTAC via the Louisville, Ky., VORTAC; the intersection of the Louisville VORTAC 334° and the Northbrook, Ill., VORTAC 159° True radials; to the Northbrook VORTAC.

The FAA is proposing to alter this segment of J-89 by realigning it from the Atlanta VORTAC via the Crossville, Tenn., VORTAC; the Louisville VORTAC; the Lafayette, Ind., VORTAC; to the Northbrook VORTAC. Such action would provide more precise navigational guidance on this segment of J-89. There would be no requirement for the designation of the Crossville and Lafayette VORTAC's as compulsory high altitude reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. 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 Chief, Airspace Regulations and Procedures Division. 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.

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 27, 1964.

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

[F.R. Doc. 64-2220; Filed, Mar. 6, 1964; 8:47 a.m.]

[14 CFR Part 95 [New]]

[Reg. Docket No. 4023; Notice 64-11]

CHANGEOVER POINTS

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 95 of the Federal Aviation Regulations to prescribe points between navigation facilities defining Federal airways, direct routes, and jet routes where a pilot should tune his receiver for navigational course guidance from the facility abaft his aircraft to the next facility along the airway or route.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice 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 April 20, 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.

In the near future, the FAA expects to publish a notice of proposed rule making setting forth a proposal to amend Part 71 (New) of the Federal Aviation Regulations to alter substantially the present airway and route system. That proposal (Airspace Docket No. 63-WA-74) will include a new formula requiring the application of changeover points to determine the lateral extent of airways. This formula would also be used to determine the width of the controlled airspace associated with jet routes outside the continental control area. Publication of changeover points in Part 95 would provide the basis for inclusion of the formula in Part 71. Reference to the lists of changeover points in this Notice will enable persons reviewing the forthcoming proposal on the airway structure to determine the lateral extent proposed for those airways of particular interest to them.

As a practical matter, observance of changeover points is an essential part of pilot responsibilities under FAR 91.123 requiring flight along the direct course between the navigation aids or fixes defining an airway or route. At present, however, the FAA does not plan an amendment of the Air Traffic Rules to impose a specific regulatory mandate on pilots to observe these points. Failure to change at the point fixed may, however, result in a violation of FAR 91.123.

Changeover points would be designated in Part 95 for all Federal airways and jet routes. However, changeover points would not be listed for each airway and route segment in the route structure. Normally the changeover points for a straight route segment is midway between the navigation facilities for that segment. The changeover point for a dogleg route segment is invariably at the intersection of radials forming the dogleg. Therefore, changeover points would be listed only for those route segments where there is a deviation from the norm.

Changeover points would also be designated in Part 95 for direct routes approved by the Administrator. However, the lists of changeover points deviating from the norm, as indicated in the previous paragraph, would only include points for direct routes approved for general air carrier use. The part would provide for the inclusion of points for direct routes approved for individual operators in operations specifications.

No changeover points for intermediate altitude VOR Federal airways are listed in this notice, since adoption of the forthcoming proposal to alter the airway structure would result in the elimination of these airways.

In consideration of the foregoing, it is proposed to amend Part 95 (New) of the Federal Aviation Regulations as hereinafter set forth.

1. Section 95.1 is amended as follows:

a. Paragraph (a) is amended to read as follows:

(a) This part prescribes altitudes governing the operation of aircraft under IFR on specified routes and route segments and over specified intersections and radio fixes. In addition, it designates mountainous areas and prescribes changeover points.

b. By adding the following new paragraph at the end thereof:

(g) The COP applies to operation of an aircraft along an airway, direct route, or jet route segment that requires transfer of the airborne navigation reference from the facility abaft the aircraft to the next appropriate facility along the airway or route. The COP assures continuous reception along the entire route segment and also assures that two aircraft operating within the same airspace configuration will not be using azimuth guidance from different air navigation aids.

2. Section 95.3 is amended as follows:

a. By redesignating paragraphs (a), (b), (c), (d), and (e) as paragraphs (b), (c), (d), (e), and (f), respectively.

b. By inserting a new paragraph (a) reading as follows:

(a) COP means changeover point.

3. The following new subpart is added at the end thereof:

Subpart D—Changeover Points

§ 95.8001 General.

This subpart prescribes COP's for Federal airways and jet and approved direct routes. Unless otherwise specified in this subpart or in operations specifications, the COP is midway between the navigation facilities for straight route segments, and at the intersection of radials forming a dogleg in the case of dogleg route segments.

Airway segment		Changeover point	
From	To	Distance	From
	V-2		
Ellensburg, Wash., VOR	Ephrata, Wash., VOR	19	Ellensburg.
Seattle, Wash., VOR	Wenatchee, Wash., VOR, via N alter	51	Seattle.
Spokane, Wash., VOR	Mullan Pass, Idaho, VOR	32	Spokane.
Missoula, Mont., VOR	Drummond, Mont., VOR	17	Missoula.
Drummond, Mont., VOR	Helena, Mont., VOR	28	Drummond.
Miles City, Mont., VOR	Dickinson, N. Dak., VOR	60	Miles City
Milwaukee, Wis., VOR	Muskegon, Mich., VOR	58	Milwaukee.
	V-3		
Vero Beach, Fla., VOR	Daytona Beach, Fla., VOR	55	Vero Beach.
Boston, Mass., VOR	Kennebunk, Maine, VOR	26	Boston.
	V-4		
Seattle, Wash., VOR	Yakima, Wash., VOR	40	Seattle.
Yakima, Wash., VOR	Pendleton, Oreg., VOR	30	Seattle.
Baker, Oreg., VOR	Boise, Idaho, VOR	35	Baker.
Malad City, Idaho, VOR	Rock Springs, Wyo., VOR	93	Malad City.
Laramie, Wyo., VOR	Gill, Colo., VOR, via N alter	24	Laramie.
Denver, Colo., VOR	Thurman, Colo., VOR	39	Denver.
Thurman, Colo., VOR	Goodland, Kans., VOR	38	Thurman.
Salina, Kans., VOR	Topeka, Kans., VOR	47	Salina.
	V-5		
McDonough, Ga., VOR	Chattanooga, Tenn., VOR	60	McDonough.
Cleveland, Ohio, VOR	London, Canada, VOR	55	Cleveland.
	V-6		
Sacramento, Calif., VOR	Lake Tahoe, Calif., VOR	40	Sacramento.
Ogden, Utah, VOR	Fort Bridger, Wyo., VOR	25	Ogden.
Grand Island, Nebr., VOR	Omaha, Nebr., VOR	52	Grand Island.
	V-7		
Miami, Fla., VOR	Fort Myers, Fla., VOR	44	Miami.
Nashville, Tenn., VOR	Central City, Ky., VOR	37	Nashville.
	V-8		
Ontario, Calif., VOR	Hector, Calif., VOR	49	Ontario.
Hector, Calif., VOR	Goffs, Calif., VOR	46	Hector.
Daggett, Calif., VOR	Las Vegas, Nev., VOR, via N alter	59	Daggett.
Grand Junction, Colo., VOR	Kremmling, Colo., VOR	50	Grand Junction.
Akron, Colo., VOR	Hayes Center, Nebr., VOR	54	Akron.
Grand Island, Nebr., VOR	Omaha, Nebr., VORTAC	52	Grand Island.
	V-9		
New Orleans, La., VOR	McComb, Miss., VOR	40	New Orleans.
Greenwood, Miss., VOR	Memphis, Tenn., VOR	47	Greenwood.
Farmington, Mo., VOR	St. Louis, Mo., VOR	34	Farmington.
	V-10		
Lamar, Colo., VOR	Garden City, Kans., VOR	50	Lamar.
Kirksville, Mo., VOR	Burlington, Iowa, VOR	41	Kirksville.
South Bend, Ind., VOR	Litchfield, Mich., VOR	26	South Bend.
	V-12		
Fillmore, Calif., VOR	Palmdale, Calif., VOR	21	Fillmore.
Hector, Calif., VOR	Needles, Calif., VOR	41	Hector.
Hector, Calif., VOR	Goffs, Calif., VOR, via N alter	46	Hector.
Zuni, N. Mex., VOR	Grants, N. Mex., VOR	38	Zuni.
Grants, N. Mex., VOR	Albuquerque, N. Mex., VOR	26	Grants.
Albuquerque, N. Mex., VOR	Otto, N. Mex., VOR	23	Albuquerque.
Anton Chico, N. Mex., VOR	Tucumcari, N. Mex., VOR	30	Anton Chico.
Tucumcari, N. Mex., VOR	Amarillo, Tex., VOR	45	Tucumcari.
Amarillo, Tex., VOR	Gage, Okla., VOR	42	Amarillo.
Appleton, Ohio, VOR	Newcomerstown, Ohio, VOR	27	Appleton.
Pittsburgh, Pa., VOR	Johnstown, Pa., VOR	26	Pittsburgh.

Airway segment		Changeover point	
From	To	Distance	From
	V-13		
Houston, Tex., VOR	Daisetta, Tex., VOR, via E alter	26	Houston.
Lufkin, Tex., VOR	Shreveport, La., VOR	56	Lufkin.
Lamoni, Iowa, VOR	Des Moines, Iowa, VOR	31	Lamoni.
	V-14		
Lubbock, Tex., VORTAC	Childress, Tex., VOR	33	Lubbock.
Hobart, Okla., VOR	Oklahoma City., Okla., VOR	33	Hobart.
Oklahoma City, Okla., VOR	Tulsa, Okla., VOR	55	Oklahoma City.
	V-15		
Waco, Tex., VOR	Dallas, Tex., VOR	46	Waco.
Dallas, Tex., VOR	Ardmore, Okla., VOR	35	Dallas.
Ardmore, Okla., VOR	Okmulgee, Okla., VOR	59	Ardmore.
Sioux Falls, S. Dak., VOR	Huron, S. Dak., VOR	43	Sioux Falls.
Bismarck, N. Dak., VOR	Minot, N. Dak., VOR	49	Bismarck.
Molokai, Hawaii, VOR	Maui, Hawaii, VOR	34	Molokai.
	V-16		
Los Angeles,-Calif., VOR	Ontario, Calif,. VOR	23	Los Angeles.
Blythe, Calif., VOR	Buckeye, Ariz., VOR	39	Blythe.
Cochise, Ariz., VOR	Columbus, N. Mex., VOR	50	Cochise.
Salt Flat, Tex., VOR	Wink, Tex., VOR	42	Salt Flat.
Texarkana, Ark., VOR	Pine Bluff, Ark., VOR	53	Texarkana.
Memphis, Tenn., VOR	Jacks Creek, Tenn., VOR	43	Memphis.
Knoxville, Tenn., VOR	Holston Mtn., Tenn., VOR	38	Knoxville.
Roanoke, Va., VOR	Gordonsville, Va., VOR	48	Roanoke.
Riverhead, N.Y., VOR	Norwich, Conn., VOR	30	Riverhead.
Norwich, Conn., VOR	Boston, Mass., VOR	41	Norwich.
Lanai, Hawaii, VOR	Upolu Pt., Hawaii, VOR	47	Lanai.
	V-17		
Austin, Tex., VOR	Waco, Tex., VOR	36	Austin.
	V-19		
Santa Fe, N. Mex., VOR	Las Vegas, N. Mex., VOR	21	Santa Fe.
Las Vegas, N. Mex., VOR	Cimarron, N. Mex., VOR	28	Las Vegas.
Cimarron, N. Mex., VOR	Pueblo, Colo., VOR	30	Cimarron.
Pueblo, Colo., VOR	Kiowa, Colo., VOR	39	Pueblo.
Denver, Colo., VOR	Cheyenne, Wyo., VOR	50	Denver.
Sheridan, Wyo., VOR	Billings, Mont., VOR	46	Sheridan.
	V-20		
Palacios, Tex., VOR	Houston, Tex., VOR	41	Palacios.
LaGrange, Ga., VOR	Atlanta, Ga., VOR	21	LaGrange.
Spartanburg, S.C., VOR	Greensboro, N.C., VOR	59	Spartanburg.
	V-21		
Ontario, Calif., VOR	Hector, Calif., VOR	49	Ontario.
Hector, Calif., VOR	Boulder, Nev., VOR	23	Hector.
Dubois, Idaho, VOR	Dillon, Mont., VOR	41	Dubois
Helena, Mont., VOR	Cut Bank, Mont., VOR, via W alter	51	Helena.
	V-23		
Los Angeles, Calif., VOR	Gorman, Calif., VOR	36	Los Angeles.
Gorman, Calif., VOR	Bakersfield, Calif., VOR	11	Gorman.
Fresno, Calif., VOR	Los Banos, Calif., VOR, via W alter	14	Los Banos.
Red Bluff, Calif., VOR	Fort Jones, Calif., VOR	53	Red Bluff.
Eugene, Oreg., VOR	Portland, Oreg., VOR	57	Eugene.
	V-25		
San Diego, Calif., VOR	Los Angeles, Calif., VOR	40	San Diego.
Gaviota, Calif., VOR	San Luis Obispo, Calif., VORTAC, via W alter.	20	Gaviota.
Klamath Falls, Oreg., VOR	Redmond, Oreg., VOR	39	Klamath Falls.
Redmond, Oreg., VOR	The Dalles, Oreg., VOR	40	Redmond.
The Dalles, Oreg., VOR	Yakima, Wash., VOR	35	The Dalles.

Airway segment		Changeover point	
From	To	Distance	From
	V-26		
Casper, Wyo., VOR	Rapid City, S. Dak., VOR	92	Casper.
Redwood Falls, Minn., VOR	Farmington, Minn., VOR	46	Redwood Falls.
	V-27		
Gaviota, Calif., VOR	San Luis Obispo, Calif., VOR	20	Gaviota.
Ukiah, Calif., VOR	Fortuna, Calif., VOR	68	Ukiah.
Fortuna, Calif., VOR	Crescent City, Calif., VOR	23	Fortuna.
Crescent City, Calif., VOR	North Bend, Oreg., VOR	57	Crescent City.
North Bend, Oreg., VOR	Newport, Oreg., VOR	20	North Bend.
Newport, Oreg., VOR	Astoria, Oreg., VOR	65	Newport.
	V-29		
Allentown, Pa., VOR	Wilkes-Barre, Pa., VOR	20	Allentown.
	V-30		
Selinsgrove, Pa., VORTAC	East Texas, Pa., VORTAC	26	Selinsgrove.
	V-32		
Elko, Nev., VOR	Bonneville, Utah, VOR	40	Elko.
Salt Lake City, Utah, VOR	Ft. Bridger, Wyo., VOR	17	Salt Lake City.
	V-33		
Harrisburg, Pa., VOR	Philipsburg, Pa., VOR	39	Harrisburg.
	V-34		
Rochester, N.Y., VOR	Ithaca, N.Y., VOR	30	Rochester.
	V-35		
Fort Myers, Fla., VOR	St. Petersburg, Fla., VOR	40	Fort Myers.
Philipsburg, Pa., VORTAC	Stonyfork, Pa., VOR	25	Philipsburg.
	V-37		
Savannah, Ga., VOR	Allendale, S.C., VOR	32	Savannah.
Hickory, N.C., VOR	Pulaski, Va., VOR, via W alter	60	Hickory.
Pulaski, Va., VOR	Elkins, W. Va., VORTAC	54	Pulaski.
Ellwood City, Pa, VOR	Erie, Pa., VOR	38	Ellwood City.
	V-39		
S. Boston, Va., VOR	Gordonsville, Va., VORTAC	48	South Boston.
Casanova, Va., VOR	Herndon, Va., VORTAC	20	Casanova.
Herndon, Va., VORTAC	Westminster, Md., VOR	19	Herndon.
	V-44		
Morgantown, Md., VOR	Martinsburg, W. Va., VORTAC	50	Morgantown.
Martinsburg, W. Va., VORTAC	Baltimore, Md., VORTAC	31	Martinsburg.
	V-51		
Vero Beach, Fla., VOR	Daytona Beach, Fla., VOR	55	Vero Beach.
Shelbyville, Ind., VOR	Lafayette, Ind., VOR	54	Shelbyville.
	V-53		
Holston Mtn., Tenn., VOR	Whitesburg, Ky., VOR	18	Holston Mtn.
Dalhart, Tex., VOR	Tobe, Co'o., VOR	40	Dalha-t.
Pomona, Calif., VOR	Twentynine Palms, Calif., VOR	37	Pomona.
	V-54		
Texarkana, Ark., VORTAC	Little Rock, Ark., VORTAC	60	Texarkana.
	V-55		
Green Bay, Wis., VOR	Stevens Point, Wis., VOR	30	Green Bay.

Airway segment		Changeover point	
From	To	Distance	From
	V-58		
Philipsburg, Pa., VORTAC	Williamsport, Pa., VORTAC	28	Philipsburg.
	V-59		
Pulaski, Va., VOR	Beckley, W. Va., VOR	20	Pulaski.
Beckley, W. Va., VOR	Parkersburg, W. Va., VOR	46	Beckley.
Parkersburg, W. Va., VOR	Newcomerstown, Ohio, VOR	25	Parkersburg.
	V-60		
Otto, N. Mex., VOR	Las Vegas, N. Mex., VORTAC	24	Otto.
	V-62		
Anton Chico, N. Mex., VOR	Texico, N. Mex., VOR	61	Anton Chico.
Sante Fe, N. Mex., VORTAC	Anton Chico, N. Mex., VOR	30	Sante Fe.
	V-63		
Springfield, Mo., VORTAC	Hallsville, Mo., VOR	65	Springfield.
	V-64		
Long Beach, Calif., VORTAC	Thermal, Calif., VORTAC	55	Long Beach.
Thermal, Calif., VORTAC	Blythe, Calif., VOR	29	Thermal.
	V-66		
San Diego, Calif., VOR	El Centro, Calif., VOR	39	San Diego.
El Centro, Calif., VOR	Yuma, Ariz., VOR	22	El Centro.
Gila Bend, Ariz., VOR	Tucson, Ariz., VOR	48	Gila Bend.
Abilene, Tex., VOR	Bridgeport, Tex., VORTAC	49	Abilene.
	V-68		
Corona, N. Mex., VOR	Roswell, N. Mex., VOR	43	Corona.
Roswell, N. Mex., VOR	Hobbs, N. Mex., VOR	45	Roswell.
	V-69		
Walnut Ridge, Ark., VOR	Farmington, Mo., VORTAC	45	Walnut Ridge.
	V-70		
Picayune, Miss., VOR	Evergreen, Ala., VOR	75	Picayune.
Evergreen, Ala., VOR	Eufaula, Ala., VOR	63	Evergreen.
	V-74		
Hugo, Colo., VOR	Garden City, Kans., VORTAC	66	Hugo.
Dodge City, Kans., VOR	Anthony, Kans., VOR	53	Dodge City.
Ponca City, Okla., VORTAC	Tulsa, Okla., VORTAC	35	Ponca City.
Tulsa, Okla., VORTAC	Fort Smith, Ark., VORTAC	48	Tulsa.
Okmulgee, Okla., VOR	Fort Smith, Ark., VORTAC, via S alter.	34	Okmulgee.
	V-75		
Wheeling, W. Va., VOR	Briggs, Ohio, VORTAC	22	Wheeling.
	V-76		
Lubbock, Tex., VOR	Big Spring, Tex., VOR	40	Lubbock.
	V-77		
San Angelo, Tex., VOR	Abilene, Tex., VOR	40	San Angelo.
Abilene, Tex., VOR	Wichita Falls, Tex., VORTAC	50	Abilene.
	V-79		
Hobbs, N. Mex., VOR	Lubbock, Tex., VORTAC, via W alter.	40	Lubbock.

Airway segment		Changeover point	
From	To	Distance	From
	V-81		
Amarillo, Tex., VOR	Dalhart, Tex., VORTAC	31	Amarillo.
Dalhart, Tex., VORTAC	Tobe, Colo., VORTAC	40	Dalhart.
Tobe, Colo., VORTAC	Pueblo, Colo., VORTAC	27	Tobe.
Colorado Sprgs. Colo., VOR	Denver, Colo., VOR	13	Colorado Springs.
	V-82		
Minneapolis, Minn., VOR	Farmington, Minn., VOR	18	Minneapolis.
	V-83		
Carlsbad, N. Mex., VOR	Roswell, N. Mex., VOR	37	Carlsbad.
Roswell, N. Mex., VOR	Corona, N. Mex., VOR	38	Roswell.
Corona, N. Mex., VOR	Otto, N. Mex., VOR	20	Corona.
	V-87		
Maxwell, Calif., VORTAC	Red Bluff, Calif., VORTAC	18	Maxwell.
	V-89		
Denver, Colo., VORTAC	Cheyenne, Wyo., VORTAC	50	Denver.
Cheyenne, Wyo., VORTAC	Chadron, Nebr., VOR	45	Cheyenne.
Cheyenne, Wyo., VORTAC	Scottsbluff, Nebr., VORTAC, via E alter.	27	Cheyenne.
	V-92		
Briggs, Ohio, VOR	Wheeling, W. Va., VOR	27	Briggs.
	V-94		
Salt Flat, Tex., VOR	Wink, Tex., VOR	42	Salt Flat.
	V-95		
Winslow, Ariz., VORTAC	Farmington, N. Mex., VORTAC	76	Winslow.
Winslow, Ariz., VORTAC	Farmington, N. Mex., VORTAC	60	Farmington.
		30 NM gap	
	V-97		
LaBelle, Fla., VOR	St. Petersburg, Fla., VOR	45	LaBelle.
St. Petersburg, Fla., VOR	Tallahassee, Fla., VOR	82	St. Petersburg.
	V-100		
Medicine Bow, Wyo., VOR	Chadron, Neb., VOR	45	Medicine Bow.
Chadron, Nebr., VOR	O'Neill, Nebr., VORTAC	109	Chadron.
Waterloo, Iowa, VOR	Dubuque, Iowa, VOR	33	Waterloo.
Northbrook, Ill., VOR	Keeler, Mich., VOR	44	Northbrook.
	V-101		
Ogden, Utah, VOR	Burley, Idaho, VORTAC	61	Ogden.
	V-102		
Salt Flat, Tex., VOR	Carlsbad, N. Mex., VOR	24	Salt Flat.
Hobbs, N. Mex., VOR	Lubbock, Yex., VOR	40	Hobbs.
Lubbock, Tex., VORTAC	Guthrie, Tex., VOR	37	Lubbock.
Guthrie, Tex., VOR	Wichita Falls, Tex., VORTAC	39	Guthrie.
	V-103		
Greensboro, N.C., VOR	Roanoke, Va., VOR	40	Greensboro.
	V-105		
Phoenix, Ariz., VOR	Prescott, Ariz., VORTAC	42	Phoenix.
Prescott, Ariz., VOR	Boulder, Nev., VOR	55	Prescott.
Coaldale, Nev., VOR	Reno, Nev., VOR	45	Coaldale.
		60	Reno.
		(22 NM gap at MEA)	
Beatty, Nev., VOR	Coaldale, Nev., VORTAC	34	Beatty.

Airway segment		Changeover point	
From	To	Distance	From
	V-107		
Fillmore, Calif., VORTAC	Avenal, Calif., VOR	31	Fillmore.
Avenal, Calif., VOR	Los Banos, Calif., VOR	45	Avenal.
Los Banos, Calif., VOR	Oakland, Calif., VORTAC	35	Los Banos.
	V-108		
Colorado Springs, Colo	Hugo, Colo., VOR	27	Colorado Springs.
	V-112		
Portland, Oreg., VORTAC	The Dalles, Oreg. VORTAC	30	Portland.
Pendleton, Oreg., VOR	Spokane, Wash., VOR	57	Pendleton.
	V-114		
Wichita Falls, Tex., VOR	Dallas, Tex., VORTAC	59	Wichita Falls.
Alexandria, La., VOR	Baton Rouge, La, VOR	43	Alexandria.
	V-116		
Kansas City, Mo., VORTAC	Macon, Mo., VOR	57	Kansas City.
	V-120		
Mullan Pass, Mont., VOR	Great Falls, Mont., VOR	80	Mullan Pass.
Lewistown, Mont., VOR	Miles City, Mont., VOR	74	Lewistown.
Miles City, Mont., VOR	Dupree, S. Dak., VOR	90	Miles City.
Sioux Falls, S. Dak., VOR	Mason City, Iowa, VORTAC	82	Sioux Falls.
	V-121		
North Bend, Oreg., VOR	Eugene, Oreg., VORTAC	16	North Bend.
	V-122		
Crescent City, Calif., VOR	Medford, Oreg., VORTAC	32	Crescent City.
	V-132		
Cheyenne, Wyo., VORTAC	Akron, Colo., VOR	53	Cheyenne.
Akron, Colo., VOR	Goodland, Kans., VORTAC	44	Akron.
	V-133		
Charleston, W. Va., VOR	Zanesville, Ohio, VOR	52	Charleston.
	V-137		
Thermal, Calif., VOR	Palmdale, Calif., VOR	59	Thermal.
Palmdale, Calif., VOR	Gorman, Calif., VORTAC	30	Palmdale.
Fellows, Calif., VOR	San Luis Obispo, Calif., VOR	19	Fellows.
	V-138		
Cheyenne, Wyo., VOR	Sidney, Nebr., VOR	40	Cheyenne.
Neola, Iowa, VORTAC	Fort Dodge, Iowa, VOR	48	Neola.
	V-139		
Cape Charles, Va., VOR	Snow Hill, Md., VOR	30	Cape Charles.
	V-140		
Amarillo, Tex., VORTAC	Sayre, Okla., VOR	39	Amarillo.
	V-146		
Poughkeepsie, N.Y., VOR	Putnam, Conn., VORTAC	37	Poughkeepsie.
	V-148		
Kiowa, Colo., VORTAC	Thurman, Colo., VOR	32	Kiowa.
Thurman, Colo., VOR	Hayes Center, Nebr., VORTAC	54	Thurman.
O'Neill, Nebr., VOR	Sioux Falls, S. Dak., VORTAC	52	O'Neill.

Airway segment		Changeover point	
From	To	Distance	From
	V-157		
Richmond, Va., VOR	Washington, D.C., VOR	50	Richmond.
	V-158		
Waterloo, Iowa, VOR	Dubuque, Iowa, VOR	33	Waterloo.
	V-159		
Vero Beach, Fla., VOR	Orlando, Fla., VOR	29	Vero Beach.
	V-161		
Lamoni, Iowa, VOR	Des Moines, Iowa, VORTAC	31	Lamoni.
	V-163		
Bridgeport, Tex., VORTAC	Ardmore, Tex., VOR	28	Bridgeport.
	V-167		
Idlewild, N.Y., VOR	Hartford, Conn., VOR	26	Idlewild.
	V-169		
Thurman, Colo., VOR	Akron, Colo., VOR	14	Thurman.
	V-171		
Farmington, Minn., VOR	Darwin, Minn., VOR	28	Farmington.
Rockford, Ill., VOR	Lone Rock, Wis., VOR	34	Rockford.
	V-172		
Wolbach, Nebr., VOR	Neola, Iowa, VORTAC	55	Wolbach.
Cedar Rapids, Iowa, VOR	Polo, Ill., VORTAC	48	Cedar Rapids.
	V-174		
Henderson, W. Va., VORTAC	Elkins, W. Va., VORTAC	49	Henderson.
	V-181		
Sioux Falls, S. Dak., VOR	Watertown, S. Dak., VORTAC	37	Sioux Falls.
	V-182		
Portland, Oreg., VORTAC	The Dalles, Oreg., VORTAC	30	Portland.
The Dalles, Oreg., VORTAC	Baker, Oreg., VORTAC	88	The Dalles.
	V-183		
Santa Barbara, Calif., VOR	Bakersfield, Calif., VORTAC	20	Santa Barbara.
	V-187		
Albuquerque, N. Mex., VORTAC	Farmington, N. Mex., VORTAC	50	Albuquerque.
Grand Junction, Colo., VORTAC	Rock Springs, Wyo., VORTAC	86	Grand Junction.
Boysen Reservoir, Wyo., VOR	Billings, Mont., VOR	97	Boysen Reservoir.
	V-190		
Albuquerque, N. Mex., VOR	Las Vegas, N. Mex., VOR	38	Albuquerque.
Phoenix, Ariz., VOR	St. Johns, Ariz., VOR	69	Phoenix.
Farmington, Mo., VOR	Evansville, Ind., VOR	64	Farmington.
	V-195		
Red Bluff, Calif., VOR	Fortuna, Calif., VOR	52	Red Bluff.
	V-198		
Fort Stockton, Tex., VORTAC	Rocksprings, Tex., VOR	66	Fort Stockton.
	V-199		
Ukiah, Calif., VOR	Red Bluff, Calif., VORTAC	35	Ukiah.

Airway segment		Changeover point	
From	To	Distance	From
	V-200		
Ukiah, Calif., VOR	Williams, Calif., VORTAC	22	Ukiah.
Williams, Calif., VORTAC	Reno, Nev., VOR	84	Williams.
	V-201		
Los Angeles, Calif., VOR	Palmdale, Calif., VOR	19	Los Angeles.
	V-202		
San Simon, Ariz., VOR	Truth or Consequences, N. Mex., VOR.	52	San Simon.
		54	Truth or Consequences (11 NM gap at MEA).
	V-203		
Albany, N.Y., VORTAC	Massena, N.Y., VOR	68	Albany.
	V-204		
Hoquiam, Wash., VOR	Olympia, Wash., VOR	31	Hoquiam.
	V-205		
Springfield, Mo., VORTAC	Blue Springs, Mo., VOR	51	Springfield.
Omaha, Nebr., VORTAC	Sioux City, Iowa, VOR	41	Omaha.
	V-207		
Gill, Colo., VOR	Scottsbluff, Nebr., VOR	45	Gill.
	V-208		
Thermal, Calif., VOR	Twentynine Palms, Calif., VORTAC	20	Therma.
Needles, Calif., VOR	Peach Springs, Ariz., VORTAC	39	Needles.
	V-210		
Hector, Calif., VORTAC	Goffs, Calif., VOR	46	Hector.
Goffs, Calif., VOR	Peach Springs, Ariz., VOR	42	Goffs.
	V-213		
Patuxent, Md., VOR	Kenton, Del., VOR	33	Patuxent.
Rosewood, Ohio, VORTAC	Tiverton, Ohio, VOR	40	Rosewood.
Peach Springs, Ariz., VORTAC	Tuba City, Ariz., VOR	55	Peach Springs.
	V-220		
Akron, Colo., VOR	Hayes Center, Nebr., VORTAC	54	Akron.
	V-222		
Houston, Tex., VOR	Daisetta, Tex., VOR, via N alter	26	Houston.
Hickory, N.C., VOR	Lynchburg, Va., VORTAC	61	Hickory.
	V-223		
Herndon, Va., VORTAC	Harrisburg, Pa., VORTAC	41	Herndon.
	V-230		
Salinas., Calif, VORTAC	Los Banos, Calif., VOR	16	Salinas.
	V-234		
Dalhart, Tex., VOR	Liberal, Kans., VOR	45	Dalhart.
Liberal, Kans., VOR	Hutchinson, Kans., VORTAC	81	Liberal.
	V-235		
Provo, Utah, VOR	Fort Bridger, Wyo., VOR	32	Provo.
	V-241		
Eufaula, Ala., VOR	Columbus, Ga., VOR	18	Eufaula.

Airway segment		Changeover point	
From	To	Distance	From
	V-243		
Vienna, Ga., VOR	Atlanta, Ga., VOR	44	Vienna.
	V-244		
Tonopah, Nev., VOR	Wilson Creek, Nev., VOR	50	Tonopah.
Coaldale, Nev., VORTAC	Tonopah, Nev., VOR	14	Coaldale.
Wilson Creek, Nev., VOR	Milford, Utah, VORTAC	40	Wilson Creek.
Hanksville, Utah, VOR	La Sal, Utah, VOR	27	Hanksville.
La Sal, Utah, VOR	Gunnison, Colo., VORTAC	60	La Sal.
Lamar, Colo., VOR	Russell, Kans., VOR	104	Lamar.
	V-248		
Avenal, Calif., VOR	Bakersfield, Calif., VORTAC	19	Avenal.
	V-251		
Sparta, N.J., VOR	Hartford, Conn., VOR	50	Sparta.
	V-253		
Lucin, Utah, VOR	Twin Falls, Idaho, VOR	40	Lucin.
Twin Falls, Idaho, VOR	Boise, Idaho, VOR	48	Twin Falls.
	V-256		
Pottstown, Pa., VOR	Yardley, Pa., VOR	20	Pottstown.
	V-257		
Phoenix, Ariz., VORTAC	Prescott, Ariz., VORTAC	42	Phoenix.
Dubois, Idaho, VOR	Dillon, Mont., VORTAC	41	Dubois.
Dillon, Mont., VORTAC	Butte, Mont., VOR	27	Dillon.
	V-259		
Fort Mill, N.C., VOR	Holston Mountain, Tenn., VOR, via E alter.	67	Fort Mill.
Fort Mill, N.C., VOR	Hickory, N.C., VOR	27	Fort Mill.
	V-260		
Lynchburg, Va., VOR	Flat Rock, Va., VORTAC	33	Lynchburg.
	V-261		
Pulaski, Va., VOR	Beckley, W. Va., VOR	20	Pulaski.
	V-264		
Los Angeles, Calif., VOR	Ontario, Calif., VOR, via S alter	23	Los Angeles.
Twentynine Palms, Calif., VOR	Parker, Calif., VOR	27	Twentynine Palms.
Parker, Calif., VOR	Prescott, Ariz., VOR	76	Parker.
Prescott, Ariz., VOR	St. Johns, Ariz., VOR	62	Prescott.
	V-268		
Westminster, Md., VOR	Baltimore, Md., VORTAC	12	Westminster.
	V-259		
Wells, Nev., VOR	Twin Falls, Idaho, VOR	33	Wells.
	V-270		
Jamestown, N.Y., VOR	Wellsville, N.Y., VOR	22	Jamestown.
	V-276		
Briggs, Ohio, VORTAC	Ellwood City, Pa., VORTAC	33	Briggs.
Tyrone, Pa., VOR	Ravine, Pa., VOR	31	Tyrone.
	V-277		
Fort Wayne, Ind., VOR	Keeler, Mich., VOR	38	Fort Wayne.

Airway segment		Changeover point	
From	To	Distance	From
	V-278		
Texarkana, Ark., VOR	Greenwood, Miss., VOR	90	Texarkana.
Greenwood, Miss., VOR	Columbus, Miss., VOR	44	Greenwood.
Columbus, Miss., VOR	Birmingham, Ala., VOR	47	Columbus.
	V-281		
Redmond, Oreg., VOR	Pendleton, Oreg., VORTAC	65	Redmond.
	V-283		
Reno, Nev., VOR	Lakeview, Oreg., VOR	70	Reno.
Lakeview, Oreg., VOR	Redmond, Oreg., VOR	73	Lakeview.
	V-284		
Fort Stockton, Tex., VOR	San Angelo, Tex., VOR, via N alter	60	Fort Stockton.
	V-287		
North Bend, Oreg., VOR	Newberg, Oreg., VOR	38	North Bend.
	V-290		
Rainelle, W. Va., VOR	Montebello, Va., VOR	35	Rainelle.
	V-298		
Dunoir, Wyo., VOR	Boysen Reservoir, Wyo., VOR	27	Dunoir.
Boysen Reservoir, Wyo., VOR	Casper, Wyo., VORTAC	49	Boysen Reservoir.
Smithwick, S. Dak., VOR	Winner, S. Dak., VOR	73	Smithwick.
Winner, S. Dak., VOR	Sioux Falls, S. Dak., VOR	82	Winner.
	V-216		
Mankato, Kans., VOR	Pawnee City, Nebr., VORTAC	53	Mankato.
Pawnee City, Nebr., VORTAC	Lamoni, Nebr., VOR	57	Pawnee City.
Peck, Mich., VOR	Toronto, Canada, VOR	80	Peck.
	V-314		
Princeton, Maine, VOR	St. Johns, Canada, VOR	36	Princeton.
	V-421		
Zuni Pueblo, N. Mex., VOR	Farmington, N. Mex., VORTAC	45	Zuni Pueblo.
	V-432		
Thermal, Calif., VOR	Parker, Calif., VOR	30	Thermal.
	V-436		
King Salmon, Alaska, VOR	Homer, Alaska, VOR, via E alter	70	King Salmon.
Homer, Alaska, VOR	Kenai, Alaska, VOR, via E alter	33	Homer.
	V-438		
Talkeetna, Alaska, VOR	Nenana, Alaska, VOR	65	Talkeetna.
	V-440		
Biorka Island, Alaska, VOR	Yakutat, Alaska, VOR	98	Biorka Island.
Yakutat, Alaska, VOR	Middleton, Alaska, VOR	95	Yakutat.
	V-448		
Yakima, Wash., VOR	Ephrata, Wash., VOR	18	Yakima.
	V-452		
Galena, Alaska, VOR	Nenana, Alaska, VOR	75	Galena.
	V-456		
King Salmon, Alaska, VOR	Anchorage, Alaska, VOR	120	King Salmon.

Airway segment		Changeover point	
From	To	Distance	From
	V-462		
Houghton, Mich., VOR	Whitefish, Mich., VOR	81	Houghton.
	V-476		
Washington, D.C., VOR	Baltimore, Md., VOR	10	Washington.
	V-478		
Falmouth, Ky., VOR	Newcombe, Ky., VOR	21	Falmouth.
	V-480		
McGrath, Alaska, VOR	Nenana, Alaska, VOR	83	McGrath.
Oakland, Calif., VOR	Los Banos, Calif., VOR	57	Oakland.
	V-482		
Las Vegas, N. Mex., VOR	Clayton, N. Mex., VOR	50	Las Vegas.
	V-484		
Salt Lake City, Utah, VORTAC	Myton, Utah, VOR	28	Salt Lake City.
	V-485		
Fellows, Calif., VOR	Priest, Calif., VOR	40	Fellows.
	V-486		
Tuba City, Ariz., VOR	Dove Creek, Colo., VORTAC	57	Tuba City.
	V-492		
St. Petersburg, Fla., VOR	LaBelle, Fla., VOR	49	St. Petersburg.
	V-494		
Wells, Nev., VOR	Malad City, Idaho, VOR	40	Wells.
	V-495		
Biorka Island, Alaska, VOR	Sisters Island, Alaska, VOR	48	Biorka Island.
	V-501		
St. Thomas, Pa., VOR	Philipsburg, Pa., VOR	22	St. Thomas.
	V-503		
Goffs, Calif., VOR	Beatty, Nev., VOR	31	Goffs.
	V-504		
Nenana, Alaska, VOR	Bettles, Alaska, VOR	85	Nenana.
	V-506		
Bethel, Alaska, VOR	King Salmon, Alaska, VOR	96	Bethel.
	V-508		
Kenai, Alaska, VOR	Middleton Island, Alaska, VOR	79	Kenai.
	V-536		
Walla Walla, Wash., VOR	Mullan Pass, Idaho, VOR	62	Walla Walla.

§ 95.8005 Jet routes.

Airway segment		Changeover point	
From	To	Distance	From
	J-1		
Medford, Oreg., VOR	Portland, Oreg., VOR	90	Medford.
	J-3		
Lakeview, Oreg., VOR	Pendleton, Oreg., VOR	110	Lakeview.
	J-5		
Bakersfield, Calif., VOR	Reno, Nev., VOR	118	Bakersfield.
	J-7		
Red Bluff, Calif., VOR	Rome, Oreg., VOR	104	Red Bluff.
Boise, Idaho, VOR	Dillon, Mont., VOR	80	Boise.
	J-13		
Cheyenne, Wyo., VOR	Crazy Woman, Wyo., VOR	115	Cheyenne.
	J-15		
San Antonio, Tex., VOR	Wink, Tex., VOR	160	San Antonio.
Albuquerque, N. Mex., VOR	Grand Junction, Colo., VOR	156	Albuquerque.
Grand Junction, Colo., VOR	Salt Lake City, Utah, VOR	130	Grand Junction.
	J-16		
Pendleton, Oreg., VOR	Whitehall, Mont., VOR	185	Pendleton.
	J-17		
Denver, Colo., VOR	Rapid City, S. Dak., VOR	140	Denver.
	J-20		
Denver, Colo., VOR	Gage, Okla., VOR	145	Denver.
Oklahoma City, Okla., VOR	Shreveport, La., VOR	164	Oklahoma City.
	J-23		
San Antonio, Tex., VOR	Mineral Wells, Tex., VOR	106	San Antonio.
Hill City, Kans., VOR	Cheyenne, Wyo., VOR	140	Hill City.
	J-25		
Austin, Tex., VOR	Dallas, Tex., VOR	72	Austin.
	J-32		
Malad City, Idaho, VOR	Crazy Woman, Wyo., VOR	160	Malad City.
Aberdeen, S. Dak., VOR	Duluth, Minn., VOR	130	Aberdeen.
	J-34		
Dickinson, N. Dak., VOR	Aberdeen, S. Dak., VOR	60	Dickinson.
	J-54		
Alamosa, Colo., VOR	Garden City, Kans., VOR	101	Alamosa.
	J-56		
Salt Lake City, Utah, VOR	Kremmling, Colo., VOR	80	Salt Lake City.
	J-58		
Farmington, N. Mex., VOR	Las Vegas, N. Mex., VOR	100	Farmington.

Airway segment		Changeover point	
From	To	Distance	From
	J-60		
Grand Junction, Colo., VOR	Denver, Colo., VOR	110	Grand Junction.
Joliet, Ill., VOR	Cleveland, Ohio, VOR	156	Joliet.
	J-64		
Alamosa, Colo., VOR	Hill City, Kans., VOR	112	Alamosa.
Joliet, Ill., VOR	Cleveland, Ohio, VOR	156	Joliet.
Pittsburgh, Pa., VOR	Yardley, Pa., VOR	150	Pittsburgh.
	J-70		
Dickinson, N. Dak., VOR	Aberdeen, S. Dak., VOR	60	Dickinson.
	J-71		
Appleton, Ohio, VOR	Front Royal, Va., VOR	112	Appleton.
	J-78		
Prescott, Ariz., VOR	Albuquerque, N. Mex., VOR	131	Prescott.
	J-80		
Milford, Utah, VOR	Grand Junction, Colo., VOR	30	Milford.
Grand Junction, Colo., VOR	Denver, Colo., VOR	110	Grand Junction.
Indianapolis, Ind., VOR	Appleton, Ohio, VOR	86	Indianapolis.
	J-82		
Joliet, Ill., VOR	Cleveland, Ohio, VOR	156	Joliet.
Erie, Pa., VOR	Albany, N.Y., VOR	135	Erie.
	J-84		
Salt Lake City, Utah, VOR	Rock Springs, Wyo., VOR	35	Salt Lake City.
Rock Springs, Wyo., VOR	Scottsbluff, Nebr., VOR	105	Rock Springs.
	J-90		
Mullan Pass, Idaho, VOR	Billings, Mont., VOR	168	Mullan Pass.
	J-94		
Salt Lake City, Utah, VOR	Rock Springs, Wyo., VOR	35	Salt Lake City.
Rock Springs, Wyo., VOR	Scottsbluff, Nebr., VOR	105	Rock Springs.
	J-96		
Seattle, Wash., VOR	Kimberley, Canada, LFR	97	Seattle.
	J-104		
San Simon, Ariz., VOR	Grants, N. Mex., VOR	130	San Simon.

These amendments are proposed under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on February 27, 1964.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 64-2121; Filed, Mar. 6, 1964; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 2, 1964.

The Bureau of Land Management has filed an application, Fairbanks 031914, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws. The applicant desires the land to provide public recreational facilities and to retain recreation values in public ownership.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks Land Office, P.O. Box 1150, Fairbanks, Alaska.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MANKOMEN LAKE AREA

Sections 7, 8, 16, 17, 18, 19, 20, and 21, Township 14 North, Range 5 East, Copper River Meridian;

Sections 1, 12, 13, and 24, Township 14 North, Range 4 East, Copper River Meridian;

Sections 12 and 13, Township 22 South, Range 16 East, Fairbanks Meridian.

The areas described aggregate approximately 8,681 acres of which approximately 1,100 acres comprise the lake.

DANIEL A. JONES,
Manager.

[F.R. Doc. 64-2239; Filed, Mar. 6, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MIDDLESEX LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Middlesex Livestock Auction, Middlefield, Conn.
Walton County State Livestock Market, DeFuniak Springs, Fla.
Walker Horse and Mule Co., Quitman, Ga.
Trainer Livestock Sales, Clinton, Ill.
Franklin County Live Stock and Commission Sales, Sesser, Ill.
Crawfordsville Live Stock Commission, Crawfordsville, Ind.
Gamaliel Livestock Market, Inc., Macon County, Tenn. (Mailing address: Gamaliel, Ky.).
Ann Arbor Livestock Sale, Inc., Ann Arbor, Mich.
Sardis Livestock Sales Co., Sardis, Miss.
Lorenz Livestock Sales, Hazen, N. Dak.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of March 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-2261; Filed, Mar. 6, 1964; 8:51 a.m.]

Rural Electrification Administration

REA-FINANCED COOPERATIVES AND COMMERCIAL POWER COMPANIES

Territorial Disputes

A. All electric cooperative borrowers are requested to report to REA on a continuing basis the salient details of all territorial and service disputes with commercial power companies which were pending on or commenced after December 31, 1962, their current status and their disposition if settled or disposed of, and the basis for such disposition. The borrowers' reports should include the actual or threatened furnishing of service to a consumer already being served by the borrower, or to premises previously served, or to potential consumers of the borrower.

B. Disputes arising out of territorial or other limitations contained in wholesale power contracts with commercial power companies should be so identified in the reports to REA. The relationship of the territorial dispute to the provisions of the contract should be clearly stated, e.g., refusal to supply wholesale power at delivery points requested by the cooperative, or prohibition or limitation of cooperative service to consumers specified under the contract provisions, and the imposition or exaction of penalty rates for service to specified classes of consumers or loads.

C. The borrowers' reports should set forth steps taken to settle dispute, including resort to remedies under state statutes, if any, relating to territorial and service rights; indicate what certificates of convenience and necessity are held by the parties covering the service area. If settled, details and basis of disposition of dispute should be given. Except where a dispute is shown as settled in the initial report, the borrower should notify REA when disposition occurs, identifying the dispute by reference to the initial report, and supplying the details of and basis for such disposition.

D. REA will examine into all unresolved disputes which come to its attention concerning territorial and service matters except in states having adequate statutory provisions for determining territorial and service rights, and will use its best offices to assist in their equitable settlement.

E. A report will be made to the Senate Committee on Appropriations in January of each year giving the salient facts involved, the disposition of the complaints, and the basis for such disposition.

Effective this third day of March 1964.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 64-2237; Filed, Mar. 6, 1964; 8:48 a.m.]

SECTION 5 LOANS

A. Section 5 loans may be made only to borrowers of funds loaned for electric facilities under the provisions of section 4 of the Rural Electrification Act which have demonstrated the need for such loans. Loans will not be made in competition with private sources of credit or as a substitution for loan funds available under other Federal programs. REA will not approve the use of section 5 funds where the necessary financing is available from other sources.

B. Where a borrower requests a section 5 loan for use by a commercial or industrial consumer, the data required for approval of the consumer loan must be submitted with the section 5 loan application. This shall include written evidence that the necessary financing for the equipment is not available from private sources or under other Federal programs. This should be in the form of letters of declination identifying the loan requested, by amount, and giving the reasons for the declination, including any

alternate financing terms offered. At a minimum, the consumer should make application to the following sources:

(1) Two banks or other commercial lenders. When the financial data of the consumer applicant indicates that financing might be available from large lenders outside of the area, REA will assist the borrower and the consumer in seeking such financing.

(2) The Small Business Administration, except in those cases where the section 5 funds will be used in connection with an Area Redevelopment Administration project. SBA is a normal source of financing for small profitmaking businesses when private financing is not available.

(3) The Area Redevelopment Administration when the consumer is located in an ARA designated area.

(4) The appropriate Bank for Cooperatives when the consumer is a farmer cooperative.

C. Where borrower requests a section 5 loan for use by individual farm or residential consumers, the letter of application should explain the need for the loan, the general purposes for which the loan will be used, and state the rate of interest the electric borrower intends to charge on consumer loans. The letter should also include evidence that the necessary credit is not available in the area to finance the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment for the electric borrower's members. This shall consist of:

(1) A written statement summarizing the terms and conditions under which credit, if any, is available to the borrower's consumers. The statement should describe the credit in terms of any limits on the amount which will be financed, the percentage of the installed cost which will be financed, the term for which the financing is available, the repayment period, the interest and other charges associated with the credit, and any other pertinent facts.

(2) Written statements from at least two banks or other sources of consumer credit outlining the terms and conditions under which they will provide such credit. These may be local institutions or those within a reasonable distance of the area which are authorized under state and Federal laws to provide such financing.

(3) A written statement from one or more appliance dealers evaluating the need for credit in the area.

D. All consumer loans in excess of $2,500 require prior REA approval. In requesting such approval, the electric borrower should provide REA with the information considered by its credit committee and board of directors in giving tentative approval to the proposed financing. This should include for each such individual farm or residential consumer loan the basis on which it was determined that the necessary credit is not available from other sources.

E. The Committee on Appropriations of the United States Senate will be notified of requests for section 5 loan funds.

F. When a section 5 loan is made, the Administrator will certify to the Secretary of Agriculture the necessity for making the loan. The Committee on Appropriations of the United States Senate will be furnished a copy of such certification.

G. If REA determines a loan application need not or cannot be processed for loan approval, or the applicant withdraws or cancels the application, the loan application shall be considered "closed without loan" and removed from official records of pending loan applications. The loan applicant and the Committee on Appropriations of the United States Senate will be notified accordingly.

Effective this third day of March 1964.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 64-2238; Filed, Mar. 6, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 27]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 21, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY, NAME OF SHIP	*Gross tonnage*
Total—all flags (200 ships)	1,490,814
British (66 ships)	558,186
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
East Breeze	8,708
Fir Hill	7,119
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Prestige (Tanker)	16,194
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Lord Gladstone	11,299
Maratha Enterprise	7,166
Mulberry Hill	7,121
*Nancy Dee	6,597
Newgate	6,743
*Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Santa Granda	7,229
*Sea Coral	10,421
Shienfoon	7,127
**Silverforce—(now Jalagouri—Indian flag)	8,058
**Silverlake (now Jalaganga—Indian flag)	8,058
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
Suva Breeze	4,970
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (44 ships)	346,103
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	

*Added to Report No. 26 appearing in the FEDERAL REGISTER issue of February 18, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTERY, NAME OF SHIP—Continued

Greek—Continued	Gross tonnage
Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
North Empress	10,904
North Queen	9,341
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
Penelope	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Lebanese (45 ships)	299,384
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561

*Added to Report No. 26 appearing in the FEDERAL REGISTER issue of February 18, 1964.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flags of registry.

FLAG OF REGISTERY, NAME OF SHIP—Continued

Lebanese—Continued	Gross tonnage
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Italian (7 ships)	52,464
Achille	6,950
Airone	6,969
Annalisa	2,479
Aspromonte	7,154
Nazareno	7,173
San Nicola (Tanker)	12,461
San Lucia	9,278
Polish (12 ships)	80,586
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
*Huta Labedy	7,221
Huta Ostrowiec	7,175
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
Trebisnjica (wrecked)	7,145
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
*Sierra Andia	1,596
Sierra Madre	999
Sierre Maria	999
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490

FLAG OF REGISTERY, NAME OF SHIP—Continued

	Gross tonnage
Finnish (1 ship):	
Valny (Tanker)	11,691
Indian:	
**Jalaganga (trip to Cuba under ex-name, Silverlake—British flag).	
**Jalagouri (trip to Cuba under ex-name, Silverforce—British flag).	
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.
b. Previous report:

Flag of registry:	Number of ships
British	6
Danish	1
German (West)	1
Greek	14
Italian	3
Japanese	1
Norwegian	2

SEC. 3. The ships listed in Sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 21, 1964:

Flag of registry	Number of trips										
	1963								1964		
	Jan.–Mar.	Apr.–June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Total
British	21	45	14	11	8	10	12	12	15	6	154
Greek	18	37	17	7	8	8	2	2	1	3	103
Lebanese	3	25	8	3	4	10	5	6	5	2	71
Norwegian	6	3	1	2	1			1	2		16
Italian	3	7	2	2		1	1		1		17
Yugoslav	4	2	1	1	2		2		1	1	14
Spanish	2		1	1	1		1	2		2	10
Danish	1										1
Finnish		1									1
French					5	1		2			8
German (West)		1									1
Japanese	1										1
Moroccan	1	1	1	1	1	2	1	1		1	10
Swedish		2		1							3
Subtotal	60	124	45	29	30	32	24	26	25	15	410
Polish	4	6	1	1		2	3	1	1	2	21
Grand total	64	130	46	30	30	34	27	27	26	17	431

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: February 28, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64–2263; Filed, Mar. 6, 1964; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN PETROLEUM INSTITUTE

Notice of Filing of Petition Regarding Food Additive Petrolatum

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1021) has been filed by American Petroleum Institute, 1271 Avenue of the Americas, New York, New York, proposing the issuance of regulations to provide for the following safe uses of petrolatum:

1. As a component of animal feed resulting from its use as a lubricant in pelletizing feed or from its use as a dust-control agent.

2. As a release agent or surface lubricant on food-processing equipment or as a component of food-packaging materials.

3. As a component of coatings on cheese, fresh fruits, and vegetables.

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–2247; Filed, Mar. 6, 1964; 8:49 a.m.]

DAVIS & GECK DIVISION, AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Color Additive D&C Blue No. 9

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 14) has been filed by Davis & Geck Division, American Cyanamid Company, Danbury, Connecticut, proposing the issuance of a regulation to provide for the safe use of D&C Blue No. 9 (3,3'-dichloroindanthrene; 6,15-dihydro-7,16-dichloro-5,9,-14,18-anthrazinetetrone) as a color for silk and cotton surgical sutures for use in general and ophthalmic surgery. The petitioner proposes that the regulation listing the color additive specifically limit its use to a batch manufactured by the National Aniline Division of the Allied Chemical Corporation and certified by the U.S. Food and Drug Administration as Lot No. F4762. (This particular batch was used in the pharmacological investigations made by the petitioner.)

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–2248; Filed, Mar. 6, 1964; 8:49 a.m.]

MICRO NUTRIENTS, INC.

Notice of Withdrawal of Petition for Food Additive Ferrous Fumarate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Micro Nutrients, Inc., 201 Lynn Street, Atlantic, Iowa, has withdrawn its petition (FAP 990), published in the FEDERAL REGISTER of December 11, 1962 (27 F.R. 12223), proposing the issuance of a regulation to provide for the safe use of 12.5 pounds of ferrous fumarate per ton of feed for sows during lacation to prevent anemia in the suckling pigs.

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 2, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64–2249; Filed, Mar. 6, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11908 etc.]

TRANSATLANTIC CHARTER INVESTIGATION

Notice of Prehearing Conference

Reopened transatlantic charter investigation, ONA Financial Fitness. See Orders E–20530; E–20531.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1964, at 10:00 a.m., e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Dated at Washington, D.C., March 4, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–2251; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15059; Order E–20532]

UNITED AIR LINES, INC.

Order of Investigation and Suspension Relating to Economy Configuration Tariff Revisions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2nd day of March, 1964.

United Air Lines, Inc. (United) has filed tariff revisions[1] with a posting date of January 30, 1964, marked to become effective March 15, 1964, proposing to permit the seating of economy-class passengers in the rear compartment of combination first-class and economy flights operated with DC–8 aircraft, applicable only between Chicago and Los Angeles on flights that originate or terminate at Honolulu. Seating would be 6-abreast at a pitch of 37 inches minimum and 38 inches maximum. The proposed tariff provisions are marked to expire with January 31, 1965.

Complaints against the proposal of United have been filed by American Airlines, Inc., and Trans World Airlines Inc. The complainants maintain that United's proposal is unjust, unreasonable, unjustly discriminatory, and unduly preferential and prejudicial. In support thereof, the complaining carriers allege that the seating configuration that United would offer at economy prices is identical to the configuration that it would offer (and now offers) for its higher-fare coach service; that the proposal of United would place its com-

[1] Agent Squire's C.A.B. Nos. 44 and 65, filed Jan. 30, 1964.

petitors at a considerable disadvantage since, at the present time, American, Continental, TWA, and even United all provide economy service in the Chicago-Los Angeles market at a seat pitch of basically 34 inches, rather than at the basically 38-inch pitch now being proposed by United; that the difference in seat pitch between United's proposed economy service and existing economy service is 4 inches and not "one or two inches", as alleged by United; and that a 4-inch difference is indeed substantial (being the difference between American's economy and first-class seat spacing, i.e., 34 vs. 38 inches). In addition, the complainants allege that the proposal would establish a precedent for offering more-costly low-density seating configurations for economy services, and will bring an end to high-density economy service in the Chicago-Los Angeles market; that it would destroy the distinction between classes of service that is the basis for effective fare regulation; that it would vititate whatever decision results from the current investigation of business and economy fares in Docket 13939 et al.; and that the proponent failed to supply any factual explanation of its filing or any data in support thereof.

In support of its proposal and in answer to the complaints, United indicates that starting on March 1, 1964, it plans to offer one-plane, through service to Chicago-Honolulu passengers by scheduling a DC–8 flight to operate in each direction between these points, via Los Angeles; that United desires to offer passengers the convenience of one-plane service; and that the standards for economy service, except for seat pitch, would not change. United claims that there is ample precedent for the recognition by the Board of its proposal; that the proposed seating arrangement will permit utilization of DC–8 aircraft in other services and other areas; that it does not believe the traveling public is influenced by small variations in seating area; and that no discrimination will be involved.

The proposed tariff amendments raise serious questions of reasonableness, preference and prejudice, and unjust discrimination. The bulk of the economy service now provided by all the carriers, including United, is at a seat pitch of 34 inches, whereas United's proposed seating would be mostly at 38 inches. Thus, the difference between the existing and proposed seat pitch would be substantial—4 inches. Furthermore the proposed seating at economy fares would be markedly inconsistent with the seating densities of typically higher-priced services, as well as with all the other economy service in that market (which would continue to be offered at a 34-inch pitch). The main difference between United's proposed economy service and its present coach service in the Los Angeles-Chicago market would be the absence of meals in the economy service. The seating arrangement in both services would be identical. Hence, the provision of a meal and some passenger service does not, in our opinion, warrant the substantial difference between the fares charged for these services. Nor has there been any showing that the fares are reasonably related to cost and value of service, or that the proposed service would be provided at any substantial cost saving as compared with coach. United's proposal is in essence a substantial fare cut without commensurate cost reductions. While the Board would carefully consider fare reductions in these or other markets, they should not be limited to those passengers who travel on particular flights or types of aircraft.

The Board realizes that the present proposal of United is similar to the "economy coach" service previously proposed by United in the Honolulu-Los Angeles/San Francisco market, which became effective on November 1, 1963, and is currently under investigation in Docket 14838.[2] Both proposals raised questions of reasonableness, preference and prejudice, and possible discrimination, and warrant investigation. With respect to suspension, however, we distinguish the instant proposal from the previous one in terms of the nature of the Hawaiian market (only two carriers); the new, low experimental fares involved; the high earnings of the carriers in that market; and the avoidance of potential injury to United's competitive position in the West Coast-Honolulu market. United alleges that there is considerable precedent for the recognition of the desirability of allowing interchangeable use of aircraft with the same seating configuration for different types of low-fare service. Some carriers, including United, operate aircraft with 34-inch economy seating in coach service on certain routes in which no economy service is offered; however, in these instances, the higher-seating-density configuration is used for the higher-priced service, whereas in the instant situation a lower seating density is proposed for a lower-priced service. Consequently, upon consideration of the foregoing factors and all other relevant matters, the Board, in exercising its discretionary powers under the Act, concludes to suspend the proposed tariff revisions and defer their use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions described below are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions:

(a) On 13th Revised Page 292–G of Agent C. C. Squire's tariff C.A.B. No. 44, the provision "or DC–8" in the paragraph entitled "Application" under the caption "United Air Lines, Inc. Local Jet Economy Fares",

(b) On 16th Revised Page 35 of Agent C. C. Squire's tariff C.A.B. No. 65, all provisions applicable to Seating Configuration and Lounge Seats of DC–8 type of aircraft in the columns captioned "Economy" and the reference mark shown in connection therewith and its explanation reading "These provisions expire with January 31, 1965 unless sooner changed, cancelled or extended",

(c) On 5th Revised Page 35–A of Agent C. C. Squire's tariff C.A.B. No. 65, the provisions of Note F;

2. Pending hearing and decision by the Board, the tariff provisions described in ordering paragraph 1 above are suspended and their use deferred to and including June 12, 1964, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of American Airlines, Inc., in Docket 15022, and Trans World Airlines, Inc., in Docket 15023, to the extent granted, are consolidated herein;

4. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the aforesaid tariffs and be served upon United Air Lines, Inc., American Airlines, Inc., Continental Air Lines, Inc., and Trans World Airlines, Inc., which are made parties to the investigation ordered herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–2252; Filed, Mar. 6, 1964; 8:50 a.m.]

[2] Order E–20137, October 29, 1963.

[1] Murphy, vice chairman, and Minetti, member, dissenting statement filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 12865, 12866; FCC 64M–179]

CHRONICLE PUBLISHING CO. (KRON-TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Scheduling Hearing

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits.

Pursuant to a prehearing conference held this date: *It is ordered*, This 2d day of March 1964, that the exchange of exhibits in the above-entitled proceeding shall be accomplished on or before April 15, 1964;

It is further ordered, That the hearings herein be and the same is hereby scheduled for May 6, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2254; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15356]

JOHN W. CORPIER, JR.

Order Designating Matter for Hearing on Stated Issues

In the matter of John W. Corpier, Jr., Box 1000, Steilcoom, Washington, suspension of radiotelephone second-class operator license.

The Commission having under consideration the suspension of radiotelephone second-class operator license, No. P2-23-333, issued to John W. Corpier, Jr., whose address appears above; and

It appearing, that acting in accordance with the provisions of section 303 (m)(2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission a timely request for hearing on the Commission's Order of November 14, 1963 suspending for the remainder of the license term his radiotelephone second-class operator license; and

It further appearing, that under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 31st day of January 1964 under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended and § 0.311(a)(5) of the Commission's rules that the matter of the suspension of the radiotelephone second-class operator license of John W. Corpier is hereby designated for hearing at a time and place before a hearing examiner to be specified by further Order of the Commission, upon the following issues:

1. To determine whether John W. Corpier, Jr., obtained a radio operator license by fraudulent means.

2. To determine in the light of the evidence adduced in the preceding issue whether the terms of the original Order of Suspension should be made final, rescinded or modified.

It is further ordered, That a copy of this order be transmitted by Certified Mail, Return Receipt Requested, to John W. Corpier, Jr., and that he notify the Commission in writing within 10 days after the receipt of this Order that he will appear in person or by counsel at said hearing.

Released: March 4, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2255; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15317; FCC 64M-182]

CHARLES L. HAMILTON, SR., AND MILDRED B. HAMILTON (KBAB)

Order Following Prehearing Conference

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.

The prehearing conference in the above-captioned proceeding having been held on March 2, 1964, and it appearing that certain agreements were reached therein which properly should be formalized by order;

It is ordered, This 2d day of March 1964, that:

(1) The direct affirmative case of the applicant shall be presented by written sworn exhibits;

(2) There will be a preliminary exchange of the applicant's proposed exhibits with counsel for other parties that have filed appearances, by March 18, 1964;

(3) There will be a final exchange of applicant's proposed exhibits with counsel for other parties that have filed appearances (with copies to be furnished to the Hearing Examiner also), by March 27, 1964; and

(4) Notification as to those applicant's witnesses desired to be present at the hearing for cross-examination shall be given to applicant's counsel by March 27, 1964.

It is further ordered, That the hearing heretofore scheduled to commence on March 31, 1964, is hereby postponed to April 2, 1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2256; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15351]

HENSON GREASE GUN REPAIR SERVICE

Order to Show Cause

In the matter of Elton O. Henson d/b as Henson Grease Gun Repair Service, Houston, Texas, order to show cause why there should not be revoked the license for Citizens Radio Station KED-0308.

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 KED-0308;

It appearing, that, on or about August 14, 1962, and July 15 and 16, 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 September 6, 1963, licensee entered a plea of guilty in United States District Court at Houston, Texas, to violations of Title 18, United States Code, section 1464, occurring on July 15 and 16, 1963; and

It further appearing, that, on or about August 14, 1962, 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) (then § 19.61(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 August 14, 1962, and July 15 and 16, 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 2d day of March 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 5209 Clay, Houston, Texas, 77023.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2257; Filed, Mar. 6, 1964; 8:50 a.m.]

[Docket No. 15232; FCC 64M-180]

NOBLE BROADCASTING CORP.

Order Continuing Hearing

In re application of the Noble Broadcasting Corporation, Docket No. 15232, File No. BR-1406; for renewal of license of Station WILD, Boston, Massachusetts.

Pursuant to the agreements reached at the hearing conference held on February 28, 1964, the evidentiary hearing in the above-entitled proceeding now scheduled for March 16, 1964, is continued to a date to be specified at the conclusion of the further prehearing conference which will be held on March 23, 1964.

It is so ordered, This the 2d day of March 1964.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-2258; Filed, Mar. 6, 1964; 8:51 a.m.]

[Docket Nos. 15089–15092; FCC 64M–183]

SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

Order Scheduling Further Prehearing Conference

In re Applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT–3032; Progress Broadcasting Corporation, Paterson, New Jersey, Docket No. 15090, File No. BPCT–3067; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT–3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT–3114; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the Order of the Commission, released February 27, 1964 (FCC 64–155), vacating the stay in the above-entitled proceeding and directing the resumption of the hearing on a date to be specified by the presiding officer;

It is ordered, This 3d day of March 1964, on the Hearing Examiner's own motion, that a further prehearing conference, for the primary purpose of establishing pertinent dates, including a date for the commencement of the hearing, pursuant to the stipulation previously entered into by the parties, is hereby scheduled to be convened at 10 a.m., Friday, March 13, 1964, at the Commission's offices, Washington, D.C.

Released: March 3, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–2259; Filed, Mar. 6, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 1167]

REDUCED RATES ON AUTOMOBILES; ATLANTIC COAST PORTS TO PUERTO RICO

Notice of Expansion of Investigation To Include South Atlantic & Caribbean Line, Inc.

Whereas, by orders dated January 7 and February 13, 1964, the Commission entered into an investigation concerning the lawfulness of certain reduced rates on automobiles from Atlantic Coast ports to ports in Puerto Rico and named Sea-Land Service, Inc., Puerto Rican Division; Seatrain Lines, Inc.; American Union Transport, Inc.; Containerships, Inc.; and TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) as respondents in this proceeding;

Whereas, on February 14, 1964, South Atlantic & Caribbean Line, Inc. (SACL) filed amendments to its tariff FMC–F No. 7 which, upon becoming effective March 15, 1964, will permit SACL to absorb the handling and wharfage charges on automobiles moving from Jacksonville and Miami, Florida, to Puerto Rico;

Whereas, The Commission is of the opinion that the new SACL tariff provisions should be made the subject of a public investigation to the same extent as other matter affecting the transportation of automobiles currently under investigation herein, to determine whether they are unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore it is ordered, That this proceeding be, and it is hereby expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the lawfulness of the proposed absorption rules currently scheduled to become effective March 15, 1964, published in the aforementioned tariff, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That South Atlantic & Caribbean Line, Inc. be and it is hereby made respondent in this proceeding and that all subsequent revisions of the rates or other matter affecting the transportation of automobiles, filed by SACL and all other respondents in this proceeding shall be, and they are hereby placed under investigation in this proceeding;

It is further ordered, That the Commission's action in placing SACL's proposed absorption provisions under investigation at this time will not prejudice the right of the Commission to suspend said provisions, either upon protest thereto or upon its own motion, prior to March 15, 1964;

It is further ordered, That (I) a copy of this order shall forthwith be served upon all respondents, protestants and interveners herein; (II) the said respondents, protestants and interveners be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74).

By the Commission February 27, 1964.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 64–2242; Filed, Mar. 6, 1964; 8:48 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND UNITED STATES LINES COMPANY (AMERICAN PIONEER LINE)

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9251–1, between American President Lines, Ltd., and United States Lines Company (American Pioneer Line), provides for a through billing arrangement for general cargo transported in the trade from ports of call of American President Lines, Ltd., in Okinawa, Korea, Formosa, Manila, Hong Kong and Vietnam, to Hawaiian ports of call of United States Lines Company (American Pioneer Line) with transhipment at Yokohama or Kobe, Japan, in accordance with the terms and conditions as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–2241; Filed, Mar. 6, 1964; 8:48 a.m.]

THE MEMBERS OF THE JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 3103–24, between the members of the Japan-Atlantic and Gulf Freight Conference provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines as members of the Conference, of their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573 or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2243; Filed, Mar. 6, 1964; 8:48 a.m.]

MEMBERS OF JAPAN-PUERTO RICO & VIRGIN ISLANDS FREIGHT CONFERENCE

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 8190-4, between the members of the Japan-Puerto Rico & Virgin Islands Freight Conference provides, as a result of mergers, for the transfer of existing memberships of certain Japanese Lines, members of the Conference, their rights and obligations, to the surviving or merged companies, effective as of April 1, 1964.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573 or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 5 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: March 4, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-2244; Filed, Mar. 6, 1964; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-89]

DELHI-TAYLOR OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 20, 1964.

In the order providing for hearing on and suspension of proposed changes in rates; and allowing rate changes to become effective subject to refund, issued August 16, 1963 and published in the FEDERAL REGISTER August 23, 1963 (F.R. Doc. 63-9065; 28 F.R. 9331-9333), after Docket No. RI64-89, in the chart, opposite Rate Schedule No. 32 correct the Supplement to read "Supplement No. 9" in lieu of Supplement No. 4, also in line 2 of the second complete paragraph of the extreme left column on page 9333.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 63-2225; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. RI63-456, etc.]

LITTLE NICK OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 27, 1964.

In the order providing for hearings on and suspension of proposed changes in rates, issued June 20, 1963 and published in the FEDERAL REGISTER June 29, 1963 (F.R. Doc. 63-6774; 28 F.R. 6760-6762), after Docket No. RI63-463, Texaco Inc., opposite Rate Schedule No. 299 change Supplement No. 1 to read Supplement No. "2" and correct respondent's name to read "Texaco Inc. (Operator), et al.".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2227; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. E-7095]

MINNESOTA POWER & LIGHT CO.

Order Granting Rehearing for Further Consideration

MARCH 2, 1964.

The Minnesota Power & Light Company (Applicant) on January 29, 1964 filed an application for rehearing upon the declaratory order issued December 30, 1963 requiring it to apply for a license on its Little Falls project on the Mississippi River in Morrison County in the State of Minnesota.

Applicant contends that the Congressional Act of July 3, 1886 (24 Stat. 123), exempts it under section 23(a) of the Federal Power Act (16 U.S.C. 816) from having to take a license under section 23(b) (16 U.S.C. 817).

The Commission finds: It is appropriate and in the public interest in administering the Federal Power Act that the Minnesota Power & Light Company's application for rehearing on the order issued December 30, 1963, be granted as hereinafter provided.

The Commission orders:

(A) The Minnesota Power & Light Company's application filed on January 29, 1964, for rehearing of the order December 30, 1963, is hereby granted for the purpose of providing additional time for further consideration of the issues raised by the application.

(B) The aforesaid order issued on December 30, 1963, is stayed until further order of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2228; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. CP62-178]

NORTHERN NATURAL GAS CO.

Notice of Application To Amend

MARCH 2, 1964.

Take notice that Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed on January 13, 1964, in Docket No. CP62-178, an application to amend an order of the Commission issued September 30, 1963, in its above docket, granting a certificate of public convenience and necessity authorizing among other things the installation of 4,400 Hp at its Redfield Storage Field Station. The application seeks authorization to install three 1,000 Hp units in lieu of a remaining 2,900 Hp authorized by the Commission order of September 30, 1963, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

The application to amend states that as a result of recent studies the installation of smaller increments of horsepower, three 1,000 Hp units would permit greater flexibility in meeting the varying load conditions required for injection and withdrawal of storage gas.

The estimated cost of installing the three proposed 1,000 Hp units is $641,000.

Protests, petitions to intervene or requests for hearing in this proceeding 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 24, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2229; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket Nos. CP64-101, CP64-139]

NORTHERN NATURAL GAS COMPANY AND EL PASO NATURAL GAS CO.

Notice of Applications

MARCH 2, 1964.

Take notice that on November 1, 1963, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP64-101, and on December 13, 1963, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP 64-139, their respective applications, pursuant to section 7(c) of the Natural Gas Act, for certificates of convenience and necessity authorizing the transportation and exchange of 100,000 Mcf daily of natural gas subject to the jurisdiction of the Commission, all as more fully set forth in the applications on file with the Commission, and open to public inspection.

The applications reflect that Northern and El Paso are parties to an agreement entitled "1963 Services Agreement" covering the exchange of up to 525,000 Mcf daily, which agreement has been amended by an agreement dated October 4, 1963, providing for the exchange of

an additional 100,000 Mcf daily, of which 50,000 Mcf will be on a firm basis, and 50,000 Mcf will be on a best effort basis.

Northern proposes to construct and operate approximately 16.9 miles of 30-inch loop line between El Paso's Dumas Compressor Station and Northern's Sunray Compressor Station and approximately 20.4 miles of 30-inch loop line north of the Sunray Station, in order to receive the increased firm volumes up to 575,000 Mcf daily; no additional facilities being proposed for the best efforts gas.

Northern states the estimated cost of $3,777,000 for the proposed construction will be defrayed from cash on hand, reserve accruals and retained earnings.

El Paso proposes to construct and operate approximately 33.2 miles of 20-inch pipeline looping a portion of El Paso's existing 24-inch Dumas line, a new 5,400 Hp compressor station located on the Dumas line, two (2) new packaged field compressor stations consisting of 220 and 125 Hp, respectively, and additional metering and communication facilities.

El Paso states the estimated cost of the proposed facilities is $3,994,000, which will be defrayed out of current working funds, supplemented, as necessary by short-term bank loans.

The applications further reflect Northern delivers gas to El Paso principally at a point of interconnection at the outlet of Northern's Plains measuring station located in Yoakum County, Texas, and a small volume of gas is delivered from the Prentice Gasoline Plant into El Paso's Plains to Dumas pipeline also in Yoakum County, Texas; and El Paso returns equal volumes of gas to Northern principally at a point of interconnection at the outlet of El Paso's Dumas Compressor Station located in Moore County, Texas. In addition thereto a total of 50,000 Mcf daily may be delivered by El Paso at a point in Beaver County, Oklahoma, and at several points in Ochiltree County, Texas. El Paso also delivers for the account of Northern certain volumes to Pioneer Natural Gas Company from its Plains to Dumas pipeline.

Northern proposes herein to deliver 100,000 Mcf daily on a firm and best efforts basis to El Paso at Northern's Plains Compressor Station, and in exchange therefor El Paso proposes to deliver equal volumes to Northern at El Paso's Dumas Compressor Station.

These matters are ones that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate these applications for formal hearing before an examiner and 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 may be held without further notice before the Commission on these applications provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing in 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.

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 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2230; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket Nos. G-10289 etc.]

PUBCO PETROLEUM CORP. ET AL.

Findings and Order

MARCH 2, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, substituting parties, amending and terminating certificates, permitting and approving abandonment of service, terminating rate proceedings, severing proceeding, accepting and redesignating related rate schedules for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

After due notice, no petition or notice to intervene or protest to the granting of any of the respective applications or petitions have been filed.

At a hearing held on February 27, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-10289, G-11821, G-12006, G-14152, CI60-686, G-10354, CI61-280, CI61-925, CI61-1162, CI61-1698, CI62-554, CI62-555, CI62-1258, CI63-20 and CI63-65 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in

the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. G–10289, G–11821, G–12006, G–10354, G–14152, CI60–686, CI61–280, CI61–1162, CI62–555, CI62–1258, CI63–20 and CI63–65 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) In all other respects, the respective orders of the Commission amended by paragraph (D) above shall remain in full force and effect.

(F) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. CI61–280, CI61–925, CI61–1698 and CI62–554 are hereby amended by substituting as certificate holders thereunder the respective successors in interest as indicated in the tabulation herein.

(G) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(H) The certificates heretofore issued in Docket Nos. CI61–1358, G–15131 and CI60–212 are hereby terminated.

(I) In view of the abandonment of service granted herein, in Docket Nos. CI64–743 and CI64–796 respectively, the rate suspension proceedings in Docket Nos. RI63–55 and RI64–113 are hereby terminated as moot since the proposed increased rates have not been placed into effect and service has ceased; RI63–55 severed from AR61–2.

(J) All FPC Gas Rate Schedules relating to the abandonment of service permitted and approved in this order, as indicated in the tabulation herein, are cancelled.

(K) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the several successions herein, are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–10289 D 12–23–63	Pubco Petroleum Corp.	El Paso Natural Gas Co. Ignacio-Blanco Field, La Plata County, Colo.	Letter agreement 11–27–63.[1 2 3]	6	3
G–11821 D 1–8–64	Marathon Oil Co. (Operator), et al.	United Gas Pipe Line Co., Maxie and Pistol Ridge Fields, Forrest County, Miss.	Assignment 10–21–63.[4] Effective date: 2–8–64.	16	10
G–12006 D 1–13–64	Socony Mobil Oil Co., Inc.	Tennessee Gas Transmission Co., Koontz and East Keeran Fields, Victoria and Jackson Counties, Tex.	Notice of partial Cancellation 1–10–63.[4] Effective date: 2–13–64.	[5] 65	11
G–14152 D 12–30–63	Union Oil Co. of California.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Amended agreement 3–6–63.[1]	[7] 23	9
			Amended agreement 3–5–63. Effective date: 11–28–63.	23	10
CI60–686 C 12–12–63	Beta Development Co.	El Paso Natural Gas Co., Acreage in San Juan and Rio Arriba Counties, N. Mex.	Supplemental agreement 12–6–63.[8]	1	10
CI61–280 E 11–26–63 D 11–26–63	Don Cohen (Operator), et al. (successor to Compadre Oil Corp. (Operator), et al.)	Lone Star Gas Co., Acreage in Stephens County, Okla.	Compadre Oil Corp. (Operator), et al. FPC GRS No. 1.	1 1	--- ---
			Notice of succession (Undated).	1	3
			Assignment 6–27–63	1	1
			Release 12–5–63.[9] Effective date: 2–21–64.	1	3
CI61–925[10] E 1–9–64	A. L. Abercrombie (Operator), et al. (successor to Musgrove Drilling Co. (Operator), et al.)	Anadarko Production Co., Acreage in Morton County, Kans.	Musgrove Drilling Co. (Operator), et al., FPC GRS No. 1.	7	---
			Notice of succession 1–7–64.	---	---
			Assignment 5–24–63.[11]	7	1
CI61–1162 C 11–20–63	Ocean Drilling & Exploration Co. (Operator), et al.	Transcontinental Gas Pipe Line Corp., Block 16 Field, Offshore Vermilion Parish, La.	Supplemental agreement 10–9–63.[8]	[12] 4	5
CI61–1698 E 1–10–64	A. L. Abercrombie (Operator), et al. (successor to Musgrove Drilling Co. (Operator), et al.)	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Finney County, Kans.	Musgrove Drilling Co. (Operator), et al., FPC GRS No. 2.	8	---
			Notice of succession 1–7–64.	---	---
CI62–554 E 12–27–63	do	Panhandle Eastern Pipe Line Co., Acreage in Meade County, Kans.	Assignment 5–24–63.[11]	8	1
			Musgrove Drilling Co. (Operator), et al., FPC GRS No. 3.	6	---
			Notice of succession 12–27–63.[11]	---	---
CI62–555 C 1–13–64	Graham-Michaelis Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sitka Field, Clark County, Kans.	Supplemental agreement 12–13–63.	50	
	Graham-Michaelis Drilling Co.		Contract 6–12–61	65	---
			Supplemental agreement 4–18–62.	65	1
			Assignment 7–18–63	65	2
			Contract 8–18–61	66	---
			Supplemental agreement 4–18–62.	66	1
			Assignment 8–26–63.[13]	66	2
CI62–1258 C 12–23–63	Texam Oil Corp., et al.	Northern Natural Gas Co., Joe T. Strawn Field, Crockett County, Tex.	Supplemental agreement 10–4–63.[14]	8	6
CI63–20 C 11–21–63	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Gragg Field, Sebastian County, Ark.	Supplemental agreement 10–1–63.[14]	337	4
CI63–65 C 12–30–63	C. W. Murchison	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 12–6–63.[14]	1	5
CI64–743 (CI60–212) B 12–26–63	Samedan Oil Corp. (Operator), et al.	United Fuel Gas Co., Chaulkey Field, Cameron Parish, La.	Notice of cancellation 12–24–63.[13 15]	[14] 6	4
CI64–775 B 1–6–64	E. W. Mudge, Jr. (Operator), et al.[16]	Lone Star Gas Co., East Panhandle Sweet Gas Field, Wheeler County, Tex.	The notice of cancellation being inappropriate has been rejected.[16]	[(15)]	---
CI64–787 (G–10354) B 1–8–64	The Atlantic Refining Co.	Trunkline Gas Co., Fields Field, Beauregard Parish, La.	Notice of cancellation 11–7–63.[13 15]	143	[12]

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.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-791..... A 1-10-64	Humble Oil & Refining Co. (Operator), et al.	El Paso Natural Gas Co., Jack Herbert Field, Upton County, Tex.	Contract 12-31-63 [14]...	344	.....
CI64-795..... A 1-13-64	Crest Exploration Co...	Northern Natural Gas Co., South Six Mile Field, Beaver County, Okla.	Contract 11-18-63 [14]...	4	.....
CI64-796..... (CI61-1358) B 1-13-64	Exchange Oil Co., Ltd. (Operator), et al.	Cities Service Gas Co., North Hoover Field, Garvin County, Okla.	Notice of cancellation 12-16-63. [18]	[17] 1	5
CI64-797..... A 1-13-64	Petroleum Associates Fund, Inc., (Operator), et al.	Panhandle Eastern Pipe Line Co., Borchers Northwest Morrow Oil & Gas Pool Field, Meade County, Kans.	Contract 12-12-63..... Ratifications 12-16-63.[18]	1 1	.....
CI64-798..... (G-15131) B 1-13-64	Joseph E. Seagram & Sons, Inc., d/b/a Frankfort Oil Co.	Jernigan & Morgan Transmission Co., North Wellston Field, Lincoln County, Okla.	Notice of cancellation (Undated).[13 18]	4	1
CI64-800..... A 1-14-63	Edwin L. Cox.....	Lone Star Gas Co., East Doyle Field, Stephens County, Okla.	Contract 12-20-63.[18]...	56	.....

[1] Production of gas no longer economically feasible.
[2] Deletes acreage insofar as it pertains to the Ute #2 Fruitland Well.
[3] Effective Date: Date of this order.
[4] Interest acquired by John Franks and is covered by his Rate Schedule No. 13 and certificate Docket No. CI64-554.
[5] Deletes non-productive acreage.
[6] Rate in effect subject to refund in Docket No. G-17334.
[7] Rate in effect subject to refund in Docket No. RI63-409; however, no deliveries have been made from subject acreage, therefore refunds not applicable.
[8] Effective Date: Date of initial delivery.
[9] Deletes the non-productive (Tillerson A Lease) released by the predecessor, Compadre Oil Corporation (Operator), et al., as requested in the succession application dated 11-26-63.
[10] Price erroneously noticed as 12.0¢/Mcf in lieu of 5.0¢/Mcf.
[11] Effective Date: Date of transfer of property.
[12] Settlement rate of 20.625¢/Mcf approved for basic contract by order issued 11-12-63, which issued a permanent certificate in Docket No. CI61-1162.
[13] Source of gas depleted.
[14] Prices in effect subject to refund in Docket Nos. RI61-313 and RI62-92 with rates of 19.9¢ and 20.3¢/Mcf respectively. Rate increase to 20.7¢/Mcf suspended in Docket No. RI63-55; rate suspension proceeding in said Docket will be terminated as moot. RI63-55 is consolidated in AR61-2.
[15] Applicant had not previously filed for certificate authorization.
[16] No rate schedule on file.
[17] A rate increase to 12¢/Mcf is suspended until 2-5-64 in Docket No. RI64-113; rate suspension proceeding in said Docket will be terminated as moot.
[18] Supra.

[F.R. Doc. 64-2231; Filed, Mar. 6, 1964; 8:47 a.m.]

[Docket No. RI64-519 etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 20, 1964.

In the order providing for hearing on and suspension of proposed changes in rates; and allowing rate change to become effective subject to refund, issued January 3, 1964 and published in the FEDERAL REGISTER January 10, 1964 (F.R. Doc. 64-234; 29 F.R. 271), after Docket No. RI64-520, in the chart, change "13.0 [7]" to "13.0495 [7 11]" under the column Rate in Effect and under the column Proposed Increased Rate change "14.0 [8 7]" to "14.0536 [8 7 11]".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2232; Filed, Mar. 6, 1964; 8:48 a.m.]

[Docket No. G-12321]

UNITED GAS PIPE LINE CO.

Notice of Application To Amend

MARCH 2, 1964.

Take notice that United Gas Pipe Line Company (United Gas), 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application on January 21, 1964, and a supplement thereto on February 10, 1964, to amend an order of the Commission issued September 10, 1957, granting a certificate of public convenience and necessity authorizing among other things the sale of up to 2500 Mcf of natural gas on a maximum day to Southern Pine Lumber Company (Southern Pine) at Diboll, Texas. The application to amend seeks authorization to increase the total maximum day deliveries to 4100 Mcf; the additional gas to be used to meet the fuel and processing requirements of a new plywood fabricating plant of Southern Pine and U.S. Plywood Corporation, to be operated by Southern Pine, and for the rearrangement and installation of two additional meters at an estimated net cost of $10,331, all as more fully set forth in the application to amend on file with the Commission, and open to public inspection.

Protests, petitions to intervene or requests for hearing in this proceeding 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 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2233; Filed, Mar. 6, 1964; 8:48 a.m.]

[Docket No. RP64-22]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Change in Rates and Charges

MARCH 5, 1964.

Take notice that on February 28, 1964, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1, subject to the provisions of section 4 of the Natural Gas Act, to become effective on March 1, 1964. The proposed change reflects a reduction in rates in Transco's Rate Schedule GSS (General Storage Service).

The proposed change in rates is filed to effectuate a reduction in revenues of approximately $1,569,000 annually for Transco's storage service.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C., 20426, pursuant to the Commission's rules of practice and procedure on or before March 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-2292; Filed, Mar. 6, 1964; 8:52 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Society Corporation, Cleveland, Ohio, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by Society Corporation of 1,000 shares (100 percent) of the preferred stock and a minimum of 16,000 shares (80 percent) of the common stock of The Fremont Savings Bank Company, Fremont, Ohio.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary,

Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 28th day of February 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-2234; Filed, Mar. 6, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1652]

BERNSTEIN-MACAULAY SPECIAL FUND, INC.

Notice of Filing of Application

MARCH 3, 1964.

Notice is hereby given that Bernstein-Macaulay Special Fund, Inc. ("Fund"), 341 Madison Avenue, New York 17, New York, a registered open-end non-diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from sections 15(a), 16(a) and 32(a) to the extent that such sections require approval by the Fund's stockholders of an investment advisory contract approved by the Fund's board of directors on December 20, 1963 between the Fund and Bernstein-Macaulay, Inc., election by the Fund's stockholders of the Fund's initial board of directors, and ratification by the Fund's stockholders of the selection of independent public accountants, respectively, such order to be effective until the first annual meeting of the stockholders of the Fund, which is scheduled to be held in September 1964. The requested order would also permit vacancies occurring in the Fund's board of directors prior to such first annual meeting of the stockholders to be filled as would be permitted under section 16(a) if the initial board of directors were elected by shareholders. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

The Fund was organized under the laws of the State of New York on April 17, 1963 and on April 29, 1963 the Fund registered under the Investment Company Act and filed with the Commission a registration statement under the Securities Act of 1933 (File No. 2-21374) with respect to the proposed public offering of 4,000 shares of its Common Stock. The Fund has not yet commenced operations and does not propose to offer its shares to the public until the registration statement becomes effective. The first annual meeting of shareholders of the Fund is scheduled to be held on September 15, 1964 as provided in its by-laws.

On April 23, 1963, the Fund entered into a management contract with the firm of Bernstein-Macaulay, Inc., an investment adviser registered under the Investment Advisers Act of 1940 (the "Investment Adviser"). The management contract was approved at a meeting of the Fund's board of directors on April 23, 1963 and an amended management contract was approved at a meeting of the Fund's board of directors on December 20, 1963. Section 6(a) of said amended management contract provides that such contract shall become effective on the effective date of the registration statement and shall continue in effect until September, 1964 when it will be submitted for approval or rejection at the first annual meeting of the Fund's shareholders. The Fund's Initial Subscription Application, as amended, which will be signed by all persons subscribing to the Fund's initial net worth of $100,000 and who will constitute the initial shareholders of the Fund, provides for the approval of the amended management contract by these subscribers.

Similarly, the present directors of the Fund have not been elected by the Fund's stockholders as required by section 16(a) of the Act and such election, which is not possible prior to the proposed issuance of common stock of the Fund, will be held at the first annual meeting of stockholders.

On December 20, 1963, the board of directors of the Fund appointed G. E. Niven & Co., 347 Madison Avenue, New York 17, New York as independent public accountant for the Fund. The continued employment of G. E. Niven & Co. will be subject to ratification or rejection by the Fund's stockholders at the first annual meeting of stockholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 18, 1964 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the showing contained in this notice, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-2235; Filed, Mar. 6, 1964; 8:48 a.m.]

[File No. 811-1662]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

MARCH 3, 1964.

Notice is hereby given that National Aviation Corporation ("National Aviation"), 111 Broadway, New York 6, New York, a closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act (i) its proposed purchase of not to exceed $56,768 in principal amount of 5 percent Convertible Subordinated Notes due November 30, 1964 ("Notes") and 2,272 shares of the capital stock, of New York Airways, Inc. ("Airways") at $5 per share, pursuant to a proposed Agreement between National Aviation, Airways, and eight other stockholders of Airways; and (ii) its acquisition of not to exceed 9,088 additional shares of capital stock of Airways at the rate of one share of stock for each $6.25 face-amount upon conversion of all or part of the Notes pursuant to the Agreement, provided that no such conversion will be made unless at the time thereof the market value of such capital stock (the mean between the bid and asked prices on the New York over-the-counter market on the day before the exercise of the right of conversion) shall be not less than $6.25 per share.

National Aviation owns 25,000 shares of the capital stock of Airways which represent a 10.3 percent ownership interest of the company. As a result, Airways is an affiliated person of National Aviation as defined in section 2(a)(3) of the Act. Section 17(a) of the Act prohibits an affiliated person of an investment company from selling to or purchasing from such registered investment company any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) of the Act grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Airways operates a helicopter service transporting passengers, mail, express

and freight between various heliports located in the metropolitan New York City area, and is the only carrier certified by the Civil Aeronautics Board to perform such service in that area. Congressional limitation on the amount of subsidy payments available to certified helicopter carriers and the cost of introducing a new twin-turbine fleet in 1962 brought a drain on Airways' working capital which was reversed in the Spring of 1963 with improved traffic resulting from the new fleet. In October, 1963, the crash of one of the new aircraft, followed by the voluntary cessation of flying operations for three weeks, again brought about a reduction of Airways' working capital.

In order to obtain working capital, Airways in January, 1964 entered into an Agreement with nine of its large stockholders under which Airways is permitted to call on them to lend Airways an aggregate of $208,000 in whole or in part over a period of nine months from the date of the Agreement. Said calls will be made pro rata on the signers of the Agreement. Upon the exercise of the call from time to time, Airways will issue Notes to the lenders. These Notes will be subordinated to existing and future bank loans currently aggregating $2,150,000. The Notes will be convertible at the option of the holders at any time prior to the payment thereof into the capital stock of Airways at the rate of 16 shares per $100 principal amount of the Notes. This ratio represents the approximate current price of Airways capital stock in the over-the-counter market of $6.25 per share. Each of the nine shareholders also agreed to purchase four shares of capital stock of Airways, at $5 per share, for each $100 of loan commitment. National Aviation accordingly proposes to purchase 2,272 shares of Airways' stock at $5 per share. On January 20, 1964, the Executive Committee of National Aviation authorized the execution of the Agreement and the purchase of the Notes and stock. The agreement has been signed by and is binding upon the other eight stockholders.

The stockholders who entered into the Agreement are nine of the twelve largest stockholders of Airways. The other three largest stockholders were given an opportunity to participate but declined for personal reasons. The Notes and stock were allocated among the nine participating stockholders in proportion to their respective stockholdings. The interest rate, conversion rights, and other terms and conditions of the Agreement have been arrived at through arms-length negotiations between Airways and the other eight stockholders none of whom are affiliated with National Aviation. It is further stated that the transaction is consistent with the investment policy of National Aviation and the general purposes of the Act.

Notice is further given that any interested person may, not later than March 17, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address set forth above. Proof of such service by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–2236; Filed, Mar. 6, 1964; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 4, 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. 38858: *Salt from points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B–8516), for interested rail carriers. Rates on salt, in carloads, from producing points in southwestern territory, to points in Illinois Freight Association and western trunkline territories.

Grounds for relief: Carrier competition.

Tariff: Supplement 13 to Southwestern Freight Bureau, agent, tariff I.C.C. 4561.

FSA No. 38859: *Commodities to points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A–2352), for interested rail carriers. Rates on milk coolers, milk cooling tanks, and other commodities described in the application, in carloads, from points in western trunkline territory, to points in Wyoming.

Grounds for relief: Market competition, modified short-line distance formula and grouping.

Tariff: Supplement 1 to Western Trunk Line Committee, agent, tariff I.C.C. A–4530.

FSA No. 38860: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 248), 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 middlewest territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competion.

Tariffs: 8th revised page 70 and 6th revised page 266 of Eastern Central Motor Carriers Association, Inc., agent, tariffs MF–I.C.C. A–229 and MF–I.C.C. A–230, respectively.

FSA No. 38861: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 249), 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, Middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 10th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 38862: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 250), 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, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 7th revised page 47–A to Eastern Central Motor Carriers Association, agent, tariff MF–I.C.C. A–230.

FSA No. 38863: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 251), 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, middlewest and southwestern territories, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 7th and 8th revised pages 209 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–2240; Filed, Mar. 6, 1964; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.