



# FEDERAL REGISTER

VOLUME 29 1934 NUMBER 111

Washington, Saturday, June 6, 1964

## Contents

### AGENCY FOR INTERNATIONAL DEVELOPMENT

**Notices**

Adelman, Irma, and Johns Hopkins University; certification... 7402

### AGRICULTURAL MARKETING SERVICE

**Rules and Regulations**

Fruit grown in Arizona and California; handling limitations:

- Lemons..... 7375
- Oranges, Valencia..... 7375

Cherries, sweet, grown in designated counties in Washington; shipments limitation..... 7375

Cotton fiber and processing tests; fees for microanalre readings..... 7374

Milk in certain marketing areas; miscellaneous amendments:

- Muskegon, Mich..... 7378
- Southern Michigan..... 7377
- Upper Michigan..... 7379

Tomatoes:

- Import restriction..... 7377
- Shipments limitation; Lower Rio Grande Valley in Texas... 7376

### AGRICULTURE DEPARTMENT

See Agricultural Marketing Service.

### ARMY DEPARTMENT

See Engineers Corps.

### ATOMIC ENERGY COMMISSION

**Proposed Rule Making**

Byproduct materials; general license for diagnostic uses..... 7393

**Notices**

State of North Carolina; proposed agreement for assumption of certain AEC regulatory authority..... 7398

### CIVIL SERVICE COMMISSION

**Rules and Regulations**

Excepted service:

- Defense Department..... 7380
- Navy Department..... 7380

### COAST GUARD

**Rules and Regulations**

Public contracts:

- Contract clauses for special types of procurement..... 7384
- General; total class set-asides... 7384
- Special and directed sources of supply; excess personal property; implementation of policy..... 7384
- Shipping; special purpose water safety buoyant devices; miscellaneous amendments..... 7387

### COMMERCE DEPARTMENT

See Maritime Administration.

### DEFENSE DEPARTMENT

See Engineers Corps.

### ENGINEERS CORPS

**Rules and Regulations**

Bridges; Nansemond River, Va., and Dead River, Fla..... 7383

### FEDERAL AVIATION AGENCY

**Rules and Regulations**

Standard instrument approach procedures; miscellaneous amendments..... 7365

### FEDERAL COMMUNICATIONS COMMISSION

**Rules and Regulations**

Frequency allocations..... 7390

**Proposed Rule Making**

Radiotelegraph, wire-telegraph, and ocean-cable carriers; uniform system of accounts; accounting for ocean cables..... 7396

Satellite communications; transfer of stock..... 7395

**Notices**

Ocean Data Service; establishment and allocation of frequencies; extension of time for comments..... 7402

*Hearings, etc.:*

Contemporary Radio, Inc., (WAYL) and Hubbard Broadcasting, Inc. (2 documents) ... 7402, 7403

Ford, Paul Dean (WPFR) et al. Franklin Broadcasting Co. et al. 7403

Henley, W. A. and Kimble Communications..... 7403

Progress Broadcasting Corp. (WHOM)..... 7404

Quality Broadcasting Corp. et al..... 7404

Radio Station WTIF, Inc., et al. 7404

### FEDERAL POWER COMMISSION

**Notices**

Moose Creek Ranch, Inc., power site; notice of land withdrawal, Idaho..... 7406

*Hearings, etc.:*

Cumberland Natural Gas Co., Inc., et al..... 7404

Manufacturers Light and Heat Co..... 7405

Sharples and Company Properties et al.; correction..... 7406

### FOOD AND DRUG ADMINISTRATION

**Rules and Regulations**

Drugs containing thorium dioxide; notice to manufacturers and distributors..... 7382

Food additives; estradiol monopalmitate; polyethylene glycols... 7382

**Proposed Rule Making**

Flour; identity standards..... 7392

(Continued on next page)

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See Food and Drug Administration.

**INTERSTATE COMMERCE COMMISSION****Rules and Regulations**

Transportation of household goods in interstate or foreign commerce; definitions..... 7390

**Notices**

Fourth section applications for relief..... 7407

Motor carrier transfer proceedings..... 7407

**JUSTICE DEPARTMENT****Rules and Regulations**

Organization; authority to compromise and close civil claims; authorization for redelegation... 7383

**MARITIME ADMINISTRATION****Proposed Rule Making**

Construction-differential subsidy contracts; revision of policy... 7392

**Notices**

Moore-McCormack Lines, Inc.; application and hearing..... 7402

**SECURITIES AND EXCHANGE COMMISSION****Rules and Regulations**

Securities and Exchange Act of 1934; regulation of floor trading... 7380

**Notices**

Texas Industries, Inc.; hearing, etc..... 7406

**STATE DEPARTMENT**

See Agency for International Development.

**TREASURY DEPARTMENT**

See Coast Guard.

## Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

**5 CFR**

213 (2 documents)..... 7380

**7 CFR**

28..... 7374

908..... 7375

910..... 7375

923..... 7375

965..... 7376

980..... 7377

1040..... 7377

1042..... 7378

1043..... 7379

**10 CFR****PROPOSED RULES:**

30..... 7393

**14 CFR**

97 [New]..... 7365

**17 CFR**

240..... 7380

**21 CFR**

3..... 7382

121..... 7382

**PROPOSED RULES:**

15..... 7392

**28 CFR**

0..... 7383

**33 CFR**

203..... 7383

**41 CFR**

11-1..... 7384

11-5..... 7384

11-7..... 7384

**46 CFR**

2..... 7388

25..... 7388

160..... 7388

180..... 7390

**PROPOSED RULES:**

290..... 7392

**47 CFR**

2..... 7390

**PROPOSED RULES:**

25..... 7395

34..... 7396

35..... 7396

**49 CFR**

176..... 7390

**Announcing a New  
Statutory Citations Guide****HOW TO FIND  
U.S. STATUTES  
and  
U.S. CODE CITATIONS**

This pamphlet contains typical legal reference situations which require further citing. Official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them to make the search. Additional finding aids, some especially useful in citing current material, also have been included. Examples are furnished at pertinent points and a list of reference titles, with descriptions, is carried at the end.

**Price: 10 cents**

Compiled by: Office of the Federal Register,  
National Archives and Records Service,  
General Services Administration

[Published by the Committee on the  
Judiciary, House of Representatives]

Order from: Superintendent of Documents,  
Government Printing Office, Washington,  
D.C., 20402

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 5035; Amdt. 375]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES [NEW]

##### Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 [New] (14 CFR Part 97 [New]) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

##### ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	800-1	800-1	800-1
				C-d.....	900-1½	900-1½	900-1½
				C-n.....	1000-2	1000-2	1000-2
				A-dn.....	1000-2	1000-2	1000-2

Instrument approach to be conducted in accordance with current U.S. Navy procedure as published on chart AL-2146-ADF-2.

Procedure turn S side of crs 205° Outbnd, 025° Inbnd, 2500' within 10 miles.

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 024°—7.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing GUM RBN, turn left and climb to 1500' on GUM RBN 325° bearing and contact Guam CERAP.

NOTE: Radar handoffs by Guam radar (FAA) authorized in accordance with approved patterns.

MSA: 000°-090°—1900'; 090°-180°—1500'; 180°-270°—2500'; 270°-360°—2100'.

City, Agana; Guam; Airport Name, NAS Agana; Elev., 298'; Fac. Class., BHH; Ident., GUM; Procedure No. 2, Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 8 Apr. 61

HSI VOR.....	HSI RBN.....	Direct.....	3700	T-dn.....	300-1	300-1	300-1
GRI VOR.....	HSI RBN.....	Direct.....	3700	C-dn.....	400-1	500-1	500-1½
				S-dn-14.....	400-1	400-1	400-1
				A-dn*.....	NA	NA	NA

Procedure turn W side of crs 324° Outbnd, 144° Inbnd, 3700' within 10 miles.

Minimum altitude over facility on final approach crs, 3500'.

Crs and distance, facility to airport, 144°—5.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing HSI RBN, climb to 3700' on 144° bearing from HSI RBN within 15 miles, turn right, and return to RBN.

NOTE: Lights operating Runway 14-32 only.

CAUTION: 2707' tower 2.8 miles NE of airport.

\*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.

City, Hastings; State, Neb.; Airport Name, Municipal; Elev., 1944'; Fac. Class., HW; Ident., HSI; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 June 64

Int of 170° bearing from Kabuku Point Rbn and 226° bearing from Makapuu Point Rbn.....	HN LOM.....	Direct.....	3600	T-dn.....	300-1	300-1	200-½
Honolulu VOR.....	HN LOM.....	Direct.....	3000	C-dn*.....	500-1	500-1	500-1½
Breakers Int.....	10-mile DME fix, R-258 HNL VOR.....	Direct.....	2000	S-dn-8.....	500-1	500-1	500-1
10-mile DME fix, R-258 HNL-VOR.....	HN LOM (final).....	Direct.....	2000	A-dn.....	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.

Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 3600' within 10 miles.

Minimum altitude over facility on final approach crs, 2000'.

Crs and distance, facility to airport, 079°—5.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing HN LOM, make right turn, climb to 4000' on a 164° bearing from HN LOM, reverse crs and return to the HN LOM at 5000'.

CAUTION: Terrain rises sharply N side of final approach crs; within 2.2 miles, 1000'; 4.1 miles, 2566'; 5.4 miles, 3098'.

\*Circling N of airport not authorized due 385' terrain 1.5 miles N and 524' 2 miles NE.

\*\*Do not descend below 3000' until over LOM Inbnd due NAS Barber's Point traffic pattern.

MSA: 000°-090°—5100'; 090°-180°—3100'; 180°-270°—2800'; 270°-360°—6100'.

City, Honolulu; State, Hawaii; Airport Name, Honolulu International; Elev., 13'; Fac. Class., LOM; Ident., HN; Procedure No. 1, Amdt. 5; Eff. Date, 6 June 64; Sup. Amdt. No. 4; Dated, 28 Mar. 64

## RULES AND REGULATIONS

## ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LMT VOR.....	LFA RBn.....	Direct.....	7500	T-dn.....	400-1	400-1	400-1½
Mount Dome VHF Int.....	LFA RBn.....	Direct.....	7500	C-dn*.....	1600-1	1600-1	1600-1½
LMT VOR R-161 20-mile DME fix.....	LFA RBn.....	Direct.....	7500	A-dn.....	1600-2	1600-2	1600-2
LFA RBn.....	MT LMM (final).....	Direct.....	5700	*If aircraft equipped with operating dual ADF receivers and fan marker receiver, the following minimum applies:			
				C-dn.....	800-1	800-1	800-1½

PROCEDURE CANCELLED EFFECTIVE 6 JUNE 1964.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4088'; Fac. Class., MHW; Ident., LFA; Procedure No. 1, Amdt. Orig.; Eff. Date, 17 Feb. 62

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs 318° from LFA RBn. Minimum altitude over OM on final approach crs, 5700'; over Stukel Int\* 5500'; over LMM 5000'. Crs and distance, LFA RBn to airport, 318°—10.5 miles; OM to airport, 318°—5.8 miles; Stukel Int\* to airport, 318°—2.0 miles; MT LMM to airport, 318°—0.6 mile. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MT LMM, turn left, climb to 7500' in a 1-minute right turn holding pattern on the W crs of KL LFR.

CAUTION: High terrain all quadrants.  
MSA: 318°-045°—8300'; 045°-135°—7200'; 135°-225°—9000'; 225°-315°—9000'.  
\*Stukel Int: Int 093° bearing from KL LFR and 138° bearing from MT LMM.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4082'; Fac. Class., LMM; Ident., MT; Procedure No. 2, Amdt. Orig.; Eff. Date, 6 June 64

				T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	600-1	600-1½
				S-dn-32.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn E side of crs 130° Outbnd, 310° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized. Minimum altitude over facility on final approach crs, 1300'. Crs and distance, facility to airport 315°—3.3 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing RBn, turn left, climb to 3200' on 301° bearing from LIT RBn within 20 miles.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 287'; Fac. Class., BH; Ident., LIT; Procedure No. 2, Amdt. 2; Eff. Date, 6 June 64; Sup. Amdt. No. 1; Dated, 9 May 64

Surry Int*.....	LOM.....	Direct.....	1600	T-dn.....	300-1	300-1	200-1½
Norfolk VOR.....	LOM.....	Direct.....	1600	C-dn.....	400-1	500-1	500-1½
Franklin VOR.....	LOM.....	Direct.....	1600	S-dn-6.....	400-1	400-1	400-1
Hopewell VOR.....	LOM.....	Direct.....	1600	A-dn.....	800-2	800-2	800-2
Cape Charles VOR#.....	LOM.....	Direct.....	1600				

Radar transitions and vectoring authorized in accordance with approved patterns. Procedure turn W side of crs 245° Outbnd, 085° Inbnd, 1600' within 10 miles of LOM. Minimum altitude over facility on final approach crs, 800'. Crs and distance, facility to airport, 065°—2.7 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb to 1600' on crs 320°, then proceed to LOM.

\*Surry Int: Int ORF-VOR R-303 and FKN-VOR R-033.  
#ATC approval required before using Cape Charles transition.  
MSA: 000°-090°—1300'; 090°-180°—2000'; 180°-270°—2100'; 270°-360°—1400'.

City, Newport News; State, Va.; Airport Name, Patrick Henry; Elev., 41'; Fac. Class., LOM; Ident., PH; Procedure No. 1, Amdt. 11; Eff. Date, 6 June 64; Sup. Amdt. No. 10; Dated, 25 Aug. 62

Roanoke VOR.....	Leslie RBn.....	Direct.....	4700	T-dn*#.....	1000-2	1000-2	1000-2
Bedford Int.....	Leslie RBn.....	Direct.....	4000	C-dn*.....	1000-2	1000-2	1000-2
Moneta Int.....	Leslie RBn.....	Direct.....	4000	A-dn*.....	2500-2	2500-2	2500-2
Table Int.....	Leslie RBn.....	Direct.....	5000				

Radar vectoring authorized in accordance with approved radar patterns. Procedure turn N side of crs 126° Outbnd, 306° Inbnd, 4000' within 10 miles of LLE RBn. Minimum altitude over Leslie RBn on final approach crs, 3000'. Crs and distance LLE RBn to airport, 306°—6.8 miles; CLV RBn to airport, 306°—1.7 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Cloverdale RBn, make immediate climbing left turn to cross LLE RBn at 3100' or above. Hold SE on LLE RBn, 306° Inbnd, 1-minute right turns at 4000'. NOTE: This ADF procedure predicated on the combined use of Leslie and Cloverdale RBn. Both facilities must be operational. AIR CARRIER NOTE: Sliding scale not authorized. No reductions in landing minimums due to local visibility conditions. #600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR VOR, cross Leslie RBn at 3100' or above, climb to en route altitude in Leslie holding pattern. VOR and ADF receivers required.

\*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.  
MSA: 000°-090°—5200'; 090°-180°—3600'; 180°-270°—4900'; 270°-360°—5400'.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., MHW; Ident., LLE; Procedure No. 1, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 3 Aug. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200- $\frac{1}{2}$
				C-dn.....	500-1	500-1	500- $\frac{1}{2}$
				S-dn-10.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 1500' within 10 miles. Beyond 10 miles not authorized.  
 Minimum altitude over facility on final approach crs, 900'.  
 Crs and distance, facility to airport, 098°—2.5 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing CLL VOR, climb to 1800' on R-115 within 20 miles of VOR.

City, College Station; State, Tex.; Airport Name, Easterwood Field; Elev., 319'; Fac. Class., BVOR; Ident., CLL; Procedure No. 1, Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 13 Sept. 58

				T-dn*.....	300-1	300-1	200- $\frac{1}{2}$
				C-dn.....	400-1	500-1	500- $\frac{1}{2}$
				A-dn.....	800-2	800-2	800-2

Radar vectoring to final approach crs in accordance with approved patterns.  
 Procedure turn E side of crs, 169° Outbnd, 349° Inbnd, 2600' within 10 miles.  
 Minimum altitude over facility on final approach crs, 2600'.  
 Crs and distance, facility to airport, 349°—5.4 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing DSM VOR, immediately turn left, climb to 2900' and return to DSM VOR, or, when directed by ATIS, turn left, climb to 3000', intercept DSM VOR R-331, proceed to Grimes Int.  
 NOTE: Aircraft executing missed approach may be radar controlled after radar identification.  
 CAUTION: 1546' tower 3.2 miles NNE of airport.  
 Other changes: Deleted transitions. Deleted straight-in minimums to Runway 35.  
 \*When 1546' tower not visible on takeoff NW or NE, climb to 2100' prior to turning toward tower.  
 MSA: 000°-090°—2700'; 090°-180°—2300'; 180°-270°—2300'; 270°-360°—2500'.

City, Des Moines; State, Iowa; Airport Name, Des Moines Municipal; Elev., 957'; Fac. Class., BVORTAC; Ident., DSM; Procedure No. 1, Amdt. 13; Eff. Date, 6 June 64; Sup. Amdt. No. 12; Dated, 15 June 63

GRI VOR.....	HSI VOR.....	Direct.....	3700	T-dn.....	300-1	300-1	300-1
				C-dn.....	400-1	500-1	500- $\frac{1}{2}$
				S-dn-14.....	400-1	400-1	400-1
				A-dn*.....	NA	NA	NA

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 3700' within 10 miles of Hansen Int.\*\*  
 Minimum altitude over Hansen Int.\*\* on final approach crs 3500'.  
 Crs and distance, Hansen Int.\*\* to airport, 147°—5.0 miles. Breakoff point to Runway 14, 140°—0.6 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Hansen Int.\*\* climb to 3700' on HSI R-147 within 15 miles, turn right and return to HSI VOR.  
 NOTE: Lights operating Runway 14-32 only.  
 CAUTION: 2707' tower 2.8 miles NE of airport.  
 \*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.  
 \*\*Hansen Int: Int R-327 HSI VOR and 090° bearing from HSI RBN.

City, Hastings; State, Nebr.; Airport Name, Municipal; Elev., 1944'; Fac. Class., L-VOR; Ident., HSI; Procedure No. 1, Amdt. Orig.; Eff. Date, 6 June 64

				T-dn.....	300-1	300-1	300-1
				C-d*.....	900-1	900-1	900- $\frac{1}{2}$
				C-n*.....	900-2	900-2	900-2
				A-dn.....	900-2	900-2	900-2

Procedure turn N side of crs, 218° Outbnd, 038° Inbnd, 1600' within 10 miles.  
 Minimum altitude over facility on final approach crs, 1600'.  
 Crs and distance, facility to airport, 038°—8.4 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.4 miles after passing HQM VOR, turn right, climb to 1600' direct to HQM VOR.  
 CAUTION: 600' hills N and NE of airport.  
 \*All circling and maneuvering will be executed S of Runway 6-24.  
 MSA: 315°-045°—2000'; 045°-135°—2700'; 135°-225°—1100'; 225°-315°—1100'.

City, Hoquiam; State, Wash.; Airport Name, Bowerman; Elev., 14'; Fac. Class., H-BVOR; Ident., HQM; Procedure No. 1, Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 4 Jan 64

Fort Sill Int.....	LAW-VOR.....	Direct.....	2700	T-dn.....	300-1	300-1	200- $\frac{1}{2}$
Duncan VOR.....	LAW-VOR.....	Direct.....	2600	C-dn.....	400-1	500-1	500- $\frac{1}{2}$
Chattanooga Int.....	LAW-VOR.....	Direct.....	2600	S-dn-35.....	400-1	400-1	400-1
Temple Int.....	LAW-VOR.....	Direct.....	2600	A-dn#.....	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.  
 Procedure turn not authorized. Hold S of LAW VOR, R-167 Outbnd, 347° Inbnd, left turns, 1 minute, 2600'.  
 Minimum altitude over facility on final approach crs, 2300'.  
 Crs and distance, facility to airport, 347°—4.1 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LAW VOR, turn left and climb to 2300' and return to LAW VOR.  
 #Fort Sill approach control, at Post AAF (part time control zone).  
 MSA: 000°-090°—2700'; 090°-180°—2300'; 180°-270°—3200'; 270°-360°—3500'.

City, Lawton; State, Okla.; Airport Name, Lawton Municipal; Elev., 1109'; Fac. Class., L-BVOR; Ident., LAW; Procedure No. 1, Amdt. 8; Eff. Date, 6 June 64; Sup. Amdt. No. 7; Dated, 11 Apr. 64

## RULES AND REGULATIONS

## VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Int LIT R-130 and PBF R-359.....	LIT VOR (final).....	Direct.....	1400	T-dn..... C-dn..... S-dn-32..... A-dn.....	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	200-1/4 600-1/4 500-1 800-2

Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 314°—3.8 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LIT VOR, turn left, climb to 3200' on R-301 within 20 miles or, when directed by ATC, turn right to 100°, intercept and climb to 2000' on R-055 within 20 miles.

City, Little Rock; State, Ark.; Airport Name, Adams Field; Elev., 257'; Fac. Class., BVORTAC; Ident., LIT; Procedure No. 1, Amdt. 10; Eff. Date, 6 June 64; Sup. Amdt. No. 9; Dated, 9 May 64

				T-dn..... C-d..... C-n..... S-d-16..... S-n-16..... A-dn.....	300-1 600-1 600-2 600-1 600-2 800-2	300-1 600-1 600-2 600-1 600-2 800-2	200-1/4 600-1/4 600-2 600-1 600-2 800-2
--	--	--	--	--	--	--	--

Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1500'.

Crs and distance, facility to airport, 132°—7.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing the LFT VOR, climb to 1500' on R-132 within 20 miles or, when directed by ATC, turn right, climb to 2500' returning to the LFT VOR.

City, New Iberia; State, La.; Airport Name, NAS New Iberia; Elev., 24'; Fac. Class., BVOR; Ident., LFT; Procedure No. 1, Amdt. 2; Eff. Date, 6 June 64; Sup. Amdt. No. 1; Dated, 18 May 63

VOR radials 220° clockwise through 144....	AWK VOR.....	Direct.....	1500	T-dn..... C-dn*..... S-dn-10**..... A-dn.....	400-1 500-1 400-1 800-2	400-1 500-1 400-1 800-2	400-1 500-1/4 400-1 800-2
15-mile DME fix on R-300.....	AWK VOR (final).....	Direct.....	500				

Procedure turn S side of crs, 300° Outbnd, 120° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 500'.

Crs and distance, facility to airport, 120°—1.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing AWK-VOR, climb to 1500' on R-120 within 20 miles.

CAUTION: \*Circling N of airport not authorized due 422' tower 1.5 miles N. \*\*Straight-in approaches from VOR to Runway 10 not authorized for turbo jet aircraft. No restriction on use of transition from 15-mile DME fix to VOR on R-300.

MSA: 000°—360°—1500'.

City, Wake Island; Airport Name, Wake Island; Elev., 13'; Fac. Class., H-VORTACW; Ident., AWK; Procedure No. 1, Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 29 June 63

VOR radials 220° clockwise through 144....	AWK VOR.....	Direct.....	1500	T-dn..... C-dn..... S-dn-28**..... A-dn.....	400-1 500-1 500-1 800-2	400-1 500-1 500-1 800-2	400-1 500-1/4 500-1 800-2
--	--------------	-------------	------	---	----------------------------------	----------------------------------	------------------------------------

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 1500' within 15 miles.

Minimum altitude over Lee Int# on final approach crs, 500'.

Crs and distance, facility to airport 120°—1.5 miles. Breakoff point to runway, 275°—0.9 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Lee Int\*\* climb to 1500' on R-285 within 20 miles.

\*\*If aircraft not equipped with operating ADF receiver or AWK RBN not received maintain 800' and execute missed approach at VOR.

CAUTION: Circling N of airport not authorized due 422' towers 1.5 miles N.

#Lee Int: Intersection of the AWK VOR R-105 and 150° bearing from AWK RBN.

MSA: 000°—360°—1500'.

City, Wake Island; Airport Name, Wake Island; Elev., 13'; Fac. Class., H-BVORTACW; Ident., AWK; Procedure No. 2, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 13 July 63

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FN LOM	FNT VOR	Direct	2100	T-dn C-dn S-dn-5 A-dn For dual VOR or VOR and Rankin Int* identified apply: C-dn S-dn-5	300-1 500-1 500-1 800-2 400-1 400-1	300-1 500-1 500-1 800-2 500-1 400-1	200-1/2 500-1 1/2 500-1 800-2 500-1 1/2 400-1

Procedure turn W side of crs, 222° Outbnd, 042° Inbnd, 2100' within 10 miles.  
 Minimum altitude over FNT VOR on final approach crs, 1300'.  
 Crs and distance, breakoff point to Runway 4, 049°—0.23 mile.  
 Crs and distance Rankin Int\* to airport, 042°—3.6 miles. Rankin Int\* to VOR, 4.0 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of FNT VOR make right climbing turn and proceed to Davis Int via FNT R-071 or, when directed by ATC, make left climbing turn and proceed direct to FN LOM at 2100'.  
 Note: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2600' via 11-mile arc 125° clockwise to 340° with the elimination of procedure turn.  
 \*Rankin Int: Int FNT R-222 and 4-mile FNT DME fix or PTK VOR R-321.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-5, Amdt. 2; Eff. Date, 6 June 64; Sup. Amdt. No. 1; Dated, 21 Sept. 63

Flint LOM	Flint VOR	Direct	2300	T-dn C-dn S-dn-18 A-dn For VOR and ADF or DME equipped aircraft and Dalton Int* identified the following minimums apply: C-dn S-dn-18	300-1 500-1 500-1 800-2 400-1 400-1	300-1 500-1 500-1 800-2 500-1 400-1	200-1/2 500-1 1/2 500-1 800-2 500-1 1/2 400-1
-----------	-----------	--------	------	---	--	--	--

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2300' within 10 miles.  
 Minimum altitude over FNT VOR on final approach crs, 1300'.  
 Crs and distance, breakoff point to Runway 18, 182°—0.32 mile.  
 Crs and distance Dalton Int\* to airport, 174°—2.9 miles; Dalton Int\* to VOR, 3.0 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of FNT VOR, make climbing left turn and proceed to Davis Int via FNT R-071 at 2400' or, when directed by ATC, make climbing right turn and proceed direct to FN LOM at 2100'.  
 Note: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2600' altitude via 11-miles arc 253° clockwise to 071° with the elimination of procedure turn.  
 \*Dalton Int: Int FNT R-354 and 3-miles FNT DME fix or 057° bearing from FN LOM.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-18, Amdt. 2; Eff. Date, 6 June 64; Sup. Amdt. No. 1; Dated, 21 Sept. 63

FN LOM	FNT VOR	Direct	2200	T-dn C-dn S-dn-23 A-dn 9A-dn For dual VOR or VOR and DME equipped aircraft and Tank Int* identified the following minimums apply: C-dn S-dn-23	300-1 800-1 800-1 800-1 800-2 500-1 500-1	300-1 800-1 800-1 800-1 800-2 500-1 500-1	200-1/2 800-1 1/2 800-1 800-1 800-2 500-1 1/2 500-1
--------	---------	--------	------	---	---	---	---

Procedure turn N side of crs, 055° Outbnd, 235° Inbnd, 2200' within 10 miles.  
 Minimum altitude over FNT VOR on final approach crs, 1600'.  
 Crs and distance, breakoff point to Runway 22, 229°—0.39 mile.  
 Crs and distance Tank Int\* to airport, 235°—2.6 miles; Tank Int\* to VOR, 3.0 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of FNT VOR make right climbing turn and proceed direct to FN LOM at 2100' or, when directed by ATC, make climbing left turn and proceed to Davis Int via FNT VOR R-071 at 2400'.  
 CAUTION: 1220' tower 4.3 miles SE.  
 Note: When authorized by ATC, DME may be used via 11-mile DME arc at 2600' altitude between FNT VOR R-340 clockwise to R-143 to position aircraft for straight-in approach with elimination of the procedure turn.  
 \*Tank Int: Int FNT R-055 and 3.0-mile FNT DME fix or PTK VOR R-342.

City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-23, Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 18 Jan. 64

FN LOM	FNT VOR	Direct	2300	T-dn C-dn S-dn-27 A-dn For dual VOR or VOR and DME equipped aircraft and Plant Int* identified the following minimums apply: C-dn S-dn-27	300-1 800-1 800-1 800-2 500-1 500-1	300-1 800-1 800-1 800-2 500-1 500-1	200-1/2 800-1 1/2 800-1 800-2 500-1 1/2 500-1
--------	---------	--------	------	---	--	--	--

Procedure turn N side of crs, 078° Outbnd, 258° Inbnd, 2300' within 10 miles.  
 Minimum altitude over FNT VOR on final approach crs, 1600'.  
 Crs and distance, breakoff point to Runway 27, 271°—0.49 mile.  
 Crs and distance Plant Int\* to airport, 258°—2.6 miles; Plant Int\* to VOR, 3.0 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing FNT VOR, make right-climbing turn to 2100' and proceed direct to the FN LOM or, when directed by ATC, make left climbing turn and proceed to Davis Int via FNT R-071 at 2400'.  
 Note: When authorized by ATC, DME may be used to position aircraft on final approach crs at 2600' via 11-mile DME arc 340° clockwise to 172° with the elimination of procedure turn.

\*Plant Int: Int FNT R-078 and 3.0-mile FNT DME fix or PTK VOR R-342.  
 MSA: 000°-090°—2200'; 090°-180°—2600'; 180°-270°—2200'; 270°-360°—2600'.  
 City, Flint; State, Mich.; Airport Name, Bishop; Elev., 781'; Fac. Class., BVORTAC; Ident., FNT; Procedure No. TerVOR-27, Amdt. 2; Eff. Date, 6 June 64; Sup. Amdt. No. 1; Dated, 21 Sept. 64

## TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GRI VOR.....	HSI VOR.....	Direct.....	3700	T-dn..... C-dn..... A-dn*.....	300-1 500-1 NA	300-1 500-1 NA	300-1 500-1½ NA

Procedure turn W side of crs 327° Outbnd, 147° Inbnd, 3700' within 10 miles.

Minimum altitude over facility on final approach crs 2444'.

Facility on airport. Breakoff point to Runway 14, 140°—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing HSI-VOR, climb to 3700' on HSI R-147 within 15 miles, turn right and return to HSI VOR.

NOTE: Lights operating Runway 14-32 only.

CAUTION: 2707' tower 2.8 miles NE of airport.

\*Alternate minimums of 800-2 authorized for air carriers with weather reporting service at the airport.

City, Hastings; State, Nebr.; Airport Name, Municipal; Elev., 1944'; Fac. Class., L-VOR; Ident., HSI; Procedure No. TerVOR-14, Amdt. Orig.; Eff. Date, 6 June 64

				T-dn.....	400-1	400-1	400-1½
				C-dn.....	1500-1	1500-1	1500-1½
				A-dn.....	1500-2	1500-2	1500-2
If aircraft equipped to receive VOR and ADF simultaneously or equipped with DME, and Canal Int* identified the following minimum applies:							
				C-dn.....	800-1	800-1	800-1½

Procedure turn E side of crs, 150° Outbnd, 330° Inbnd, 7500' within 14 miles.

Minimum altitude over Canal Int\* on final approach crs, 5600'; over LMT-VOR, 4900'.

Facility on airport, crs and distance, Canal Int\* to VOR 330°—2.5 miles; breakoff point to runway, 318°—0.4 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LMT VOR, turn left climb to 7500' on R-255 in a 1-minute, left-turn holding pattern; all turns N side of crs.

CAUTION: High terrain all quadrants.

\*Canal Int: Int LMT R-150 and 105° bearing from KL LFR.

MSA: 315°-045°—8300'; 045°-135°—7600'; 135°-225°—8300'; 225°-315°—9300'.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092'; Fac. Class., M-BVORTAC; Ident., LMT; Procedure No. TerVOR-32, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 3 Nov. 62

Goffs VOR.....	Crescent Int.....	Direct.....	9000	T-dn.....	300-1	300-1	200-½
Boulder VOR.....	Sloan Int.....	Direct.....	8000	C-dn.....	500-1	500-1	500-1½
Goodsprings Int.....	Sloan Int.....	Direct.....	8000	A-dn.....	800-2	800-2	800-2
Crescent Int.....	Sloan Int.....	Direct.....	6100				
Sloan Int.....	Arden Int (final).....	Direct.....	3900				

Radar vectoring authorized in accordance with approved patterns.

Procedure turn E side of crs, 165° Outbnd, 345° Inbnd, 8000' within 10 miles of Sloan Int.

Minimum altitude over Sloan Int on final approach crs, 6100'; over Arden Int, 3900'; over VOR, 2700'.

VOR on airport.

Crs and distance, Arden Int to VOR, 345°—4.0 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LAS VOR, turn right, climb to 5000' on R-085 to Kids Int.

MSA: 000°-180°—7300'; 180°-270°—12,100'; 270°-360°—12,100'.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171'; Fac. Class., BVORTAC; Ident., LAS; Procedure No. TerVOR (R-165), Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 11 Apr. 64

HLG VOR.....	IRL VOR.....	Direct.....	3000	T-dn.....	300-1	300-1	200-½
PIT VOR.....	IRL VOR.....	Direct.....	3000	C-dn#.....	600-1	600-1	600-1½
				S-dn-32#.....	600-1	600-1	600-1
				A-dn.....	800-2	800-2	800-2
If radar fix is received, the following minimums apply:							
				C-dn.....	500-1	500-1	500-1½
				S-dn-32.....	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.

Procedure turn N. side of crs, 122° Outbnd, 302° Inbnd, 3000' within 10 miles of IRL VOR.

Minimum altitude over facility on final approach crs radar fix\* 1800'; IRL VOR 1600' if radar fix received.

Facility on airport. Breakoff point to Runway 32, 320°—1.0 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing IRL VOR, make left climbing turn to 3000' proceeding to Clinton Rbn. Hold W, 1-minute right turns, 097° Inbnd.

CAUTION: Descent below procedure turn altitude not authorized until established on final approach crs Inbnd within 9 miles of facility. 2042' radio tower 0.9 miles ENE of facility and 1616' radio tower 9.8 miles E of facility at outer edge of final approach area.

\*Radar fix is the IRL R-122 at 5 miles from radar antenna.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1203'; Fac. Class., BVORTAC; Ident., IRL; Procedure No. TerVOR-32, Amdt. Orig.; Eff. Date, 6 June 64

Whitmore Int.....	RDD VOR.....	Direct.....	4000	T-dn.....	300-1	300-1	200-½
RBL VOR.....	RDD VOR.....	Direct.....	3000	C-dn.....	600-1	600-1	600-1½
Benton Int.....	RDD VOR.....	Direct.....	2500	A-dn*.....	NA	NA	NA

Procedure turn E side of crs, 174° Outbnd, 354° Inbnd, 2300' within 10 miles.

Minimum altitude over facility on final approach crs 1100'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing RDD VOR, turn right, climbing to 2300' on RDD VOR R-174 within 15 miles.

NOTE: Final approach from holding pattern at RDD VOR not authorized, procedure turn required.

Other change: Deletes transition from Delta Int.

Shuttle descent may be accomplished in a 1-minute holding pattern, 354° Inbnd right turns before commencing procedure turn.

\*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at the airport.

MSA: 000°-090°—7100'; 090°-180°—4200'; 180°-270°—8000'; 270°-360°—5900'.

City, Redding; State, Calif.; Airport Name, Redding Municipal; Elev., 500'; Fac. Class., BVOR; Ident., RDD; Procedure No. TerVOR-34, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 7 Mar. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
ROA RBN	Leslie RBN	Direct	4000	T-dn*	1000-2	1000-2	1000-2
Roanoke VOR	Leslie RBN	Direct	4700	C-dn*	1000-2	1000-2	1000-2
Clifdale VOR	ODR VOR	Direct	5400	A-dn*	2500-2	2500-2	2500-2
Bedford Int.	Leslie RBN	Direct	4000				
Moneta Int.	Leslie RBN	Direct	4000				
Table Int.	Leslie RBN	Direct	5000				

Radar vectoring authorized in accordance with approved radar patterns.  
 Procedure turn N side of crs, 126° Outbnd, 306° Inbnd, 4000' within 10 miles of Leslie RBN.  
 Minimum altitude over Leslie RBN on final approach, 3000'.  
 Crs and distance, Leslie RBN to airport, 306°—6.8 miles.  
 Crs and distance, Cloverdale RBN to VOR, 306°—1.9 miles; Cloverdale RBN to airport, 306°—1.7 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the Cloverdale RBN, make immediate climbing left turn to 5000' Outbnd R-170 ODR VOR. Hold S Red Hill FM on R-170 ODR VOR, 1-minute right turns.  
 AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing minimums authorized due to local visibility conditions.  
 NOTE: This procedure requires the following aids to be operating: ODR VOR, Leslie RBN, Cloverdale RBN and Red Hill FM. Aircraft must be equipped to utilize the facilities.  
 #600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR VOR, cross Leslie RBN at 3100' or above, climb to en route altitude in Leslie holding pattern. VOR and ADF receivers required.  
 \*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.  
 MSA: 000°-090°—5200'; 090°-180°—3600'; 180°-270°—4900'; 270°-360°—5400'.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR (R-126), Amdt. 4; Eff. Date, 6 June 64; Sup. Amdt. No. 3; Dated, 3 Aug. 63

Red Hill FM	ODR-VOR (final)	Direct	2700-d	T-dn*	1000-2	1000-2	1000-2
Red Hill FM	ODR-VOR (final)	Direct	3200-n	C-d	1500-2	1500-2	1500-2
Clifdale VOR	ODR-VOR	Direct	5400	C-n*	2000-2	2000-2	2000-2
Roanoke VOR	ODR-VOR	Direct	5000	A-dn*	2500-2	2500-2	2500-2

Radar vectoring authorized in accordance with approved radar patterns.  
 Procedure turn E side S crs, 170° Outbnd, 350° Inbnd, 5000' within 10 miles of Red Hill FM.  
 Minimum altitude over Red Hill FM on final approach crs, 4600'.  
 Crs and distance, Red Hill FM to ODR-VOR, 350°—9.3 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing Red Hill FM (abeam ROA RBN), make an immediate right climbing turn to 4000' Outbnd R-126 ODR-VOR. Hold SE on LLE RBN, 306° Inbnd, 1-minute right turns.  
 AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing minimums authorized due to local visibility conditions.  
 #600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR VOR, cross Leslie RBN at 3100' or above, climb to en route altitude in Leslie holding pattern. VOR and ADF receivers required.  
 \*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.  
 MSA: 000°-090°—5200'; 090°-180°—3600'; 180°-270°—4900'; 270°-360°—5400'.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class., VOR; Ident., ODR; Procedure No. TerVOR (R-170), Amdt. 7; Eff. Date, 6 June 64; Sup. Amdt. No. 6; Dated, 23 Mar. 63

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Goffs VOR	18.3-mile DME fix LAS R-165 (Crescent Int.)	Direct	9000	T-dn	300-1	300-1	200-1 1/2
18.3-mile DME fix LAS R-165 (Crescent Int.)	8.4-mile DME fix LAS R-165 (Sloan Int.)	Direct	6100	C-dn	500-1	500-1	500-1 1/2
8.4-mile DME fix LAS R-165 (Sloan Int.)	4.0-mile DME fix LAS R-165 (final) (Arden Int.)	Direct	3900	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.  
 Procedure turn not authorized.  
 Minimum altitude over 4.0-mile DME fix R-165 (Arden Int) on final approach crs, 3900', over VOR, 2700'.  
 VOR on airport.  
 Crs and distance, 4.0-mile DME fix R-165 (Arden Int) to airport, 345°—3.8 miles.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LAS VOR, turn right, climb to 5000' on R-025 to 12.9-mile DME fix (Kids Int).  
 NOTES: When authorized by ATC, DME may be used from 15.0 to 19.0 miles at 8000-foot altitude from LAS R-210; counterclockwise to LAS R-165 and from 15.0 to 19.0 miles at 7000-foot altitude from LAS R-029; clockwise to LAS R-165 to position aircraft for a straight-in approach with the elimination of the procedure turn.  
 MSA: 000°-180°—7300'; 180°-270°—12,100'; 270°-360°—12,100'.

City, Las Vegas; State, Nev.; Airport Name, McCarran Field; Elev., 2171'; Fac. Class., BVORTAC; Ident., LAS; Procedure No. VOR-DME No. 1, Amdt. 4; Eff. Date, 6 June 64; Sup. Amdt. No. 3; Dated, 11 Apr. 64

## RULES AND REGULATIONS

## 5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

## ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FOT VOR via R-036	SE crs ILS (final)	Direct	3500	T-dn	300-1	300-1	200-1/2
Int FOT R-036 and SE crs ILS	LOM (final)	Direct	#1800	C-dn	500-1	500-1	500-2
Trinidad Int.	LOM	Direct	4200	S-dn-31	200-1/2	200-1/2	200-1/2
Yager Int.	LOM (final)	Direct	%3000	A-dn	800-2	800-2	800-2

Procedure turn S side SE crs, 134° Outbnd, 314° Inbnd, 4200' within 10 miles of LOM. Beyond 10 miles not authorized.

Procedure turn nonstandard, high terrain N.

Minimum altitude at glide slope Int Inbnd 4200'.

Altitude of glide slope and distance to approach end of runway at OM 1800'—4.7 miles; at MM 460'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 2000' on crs of 295° from the LMM to Trinidad Int.

NOTE: Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-1/2 required if approach lights are inoperative.

\*Glide slope will be intercepted 7 miles from LOM (Int FOT R-037).

#Descent on glide slope is required.

%After intercepting glide slope descent on glide slope authorized. Glide slope will be intercepted when crossing FOT R-057.

City, Arcata; State, Calif.; Airport Name, Arcata; Elev., 217'; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS-31, Amdt. 9; Eff. Date, 6 June 64; Sup. Amdt. No. 8; Dated, 18 Apr. 64

Des Moines VOR	LOM	Direct	2400	T-dn*	300-1	300-1	200-1/2
Ankeny Int.	LOM	Direct	2500	C-dn	400-1	500-1	500-1 1/2
Grimes Int.	LOM	Direct	2500	S-dn-30**	300-3/4	300-3/4	300-3/4
Elkhart Int.	LOM	Direct	2500	A-dn	600-2	600-2	600-2
Mine Int.	LOM (final)	Direct	2400				
Beech Int.	Mine Int.	Direct	2400				
TNU VOR	Swan Int.	Direct	2500				
Swan Int.	Mine Int.	Direct	2400				

Radar vectoring to final approach crs authorized in accordance with approved patterns.

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 2400' within 10 miles.

Minimum altitude at glide slope Int Inbnd, 2400'.

Altitude of glide slope and distance to approach end of runway at OM 2371'—4.3 miles, at MM 1183'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2600' on 305° bearing from LOM, turn left, proceed direct to DSM VOR, or when directed by ATC, climb to 3000'; proceed to Grimes Int via 305° bearing from LOM and DSM VOR R-331.

NOTE: Aircraft executing missed approach may be radar controlled after radar identification.

CAUTION: 1546' tower 3.2 miles NNE of airport.

Other change: Deletes transition from DZ LFR.

\*\*400-1 required when glide slope inoperative.

\*When 1546' tower not visible on takeoff NW or NE, climb to 2100' prior to turning toward tower.

City, Des Moines; State, Iowa; Airport Name, Des Moines Municipal; Elev., 957'; Fac. Class., ILS; Ident., I-DSM; Procedure No. ILS-30, Amdt. 5; Eff. Date, 6 June 64; Sup. Amdt. No. 4; Dated, 13 Apr. 63

LMT VOR	LFA Rbn	Direct	7500	T-dn	400-1	400-1	400-1/2
Mount Dome VHF Int.	LFA Rbn	Direct	7500	C-dn	800-1	800-1	800-1 1/2
LMT VOR R-161 20-mile DME fix	LFA Rbn	Direct	7500	S-dn-32*	400-3/4	400-3/4	400-3/4
				A-dn	1000-2	1000-2	1000-2

Procedure turn not authorized. Final approach from holding pattern at LFA Rbn. Final approach crs, 318° from LFA Rbn.

Minimum altitude at glide slope Int 7500'.

Altitude of glide slope and distance to approach end of runway at LFA Rbn, 7500'—10.5 miles; at OM 5970'—5.8 miles; at MM, 4350'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MT LMM, climb to 7500' direct to LMT VOR, thence turn left, continue climb in a 1-minute, left-turn holding pattern on R-255 of LMT VOR.

CAUTION: High terrain all quadrants.

Other change: Deletes transitions from Pinehurst Int and LM LFR.

\*All components of the ILS including LFA Rbn and all related airborne equipment must be in satisfactory operating condition when executing this approach. The ALS is not considered a component of this ILS.

City, Klamath Falls; State, Oreg.; Airport Name, Kingsley Field; Elev., 4092'; Fac. Class., ILS; Ident., I-LMT; Procedure No. ILS-32, Amdt. 3; Eff. Date, 6 June 64; Sup. Amdt. No. 2; Dated, 9 June 62

Cape Charles VOR#	LOM	Direct	1600	T-dn	300-1	300-1	200-1/2
Norfolk VOR	LOM	Direct	1600	C-dn	400-1	500-1	500-1 1/2
Franklin VOR	LOM	Direct	1600	S-dn-6*	200-1/2	200-1/2	200-1/2
Hopewell VOR	LOM	Direct	1600	A-dn	600-2	600-2	600-2
Surry Int**	LOM	Direct	1600				

Radar transitions and vectoring authorized in accordance with approved patterns.

Procedure turn W side of SW crs, 245° Outbnd, 065° Inbnd, 1600' within 10 miles of LOM.

Minimum altitude at glide slope Int Inbnd, 1100'.

Altitude of glide slope and distance to approach end of runway at OM, 965'—2.7 miles; at MM, 272'—0.5 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600' to the Williamsburg Int. Hold SE 1-minute right turns.

\*400-1 required with glide slope inoperative.

\*\*Surry Int: Int ORF-VOR R-303 and FKN-VOR R-033.

#ATC approval required before using Cape Charles transition.

City, Newport News; State, Va.; Airport Name, Patrick Henry; Elev., 41'; Fac. Class., ILS; Ident., I-PHF; Procedure No. ILS-6, Amdt. 11; Eff. Date, 6 June 64; Sup. Amdt. No. 10; Dated, 11 Nov. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Norfolk VOR.....	LOM.....	Direct.....	1600	T-dn.....	300-1	300-1	200-1/2
				C-dn.....	400-1	500-1	500-1 1/2
				S-dn-4*.....	200-1/2	200-1/2	200-1/2
				A-dn.....	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar patters.  
 Procedure turn S side SW crs, 225° Outbnd, 045° Inbnd, 1600' within 10 miles of LOM.  
 Minimum altitude at glide slope Int. Inbnd, 1500'.  
 Altitude of glide slope and distance to approach end of runway at OM 1050—3.6 miles, at MM 220—0.5 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000' on crs of 045°, then right climbing turn to 1600', return to LOM. Hold S 225° Outbnd, 045° Inbnd, 1-minute right turns.  
 \*400-1/2 required with glide slope inoperative.

City, Norfolk; State, Va.; Airport Name, Norfolk; Elev., 26'; Fac. Class., ILS; Ident., I-DRF; Procedure No. ILS-4, Amdt. 9; Eff. Date, 6 June 64; Sup. Amdt. No. 8; Dated, 18 Aug. 62

AWK Rbn.....	Carter Int**.....	Via Bearing 251°.....	1500	T-dn.....	#300-1	#300-1	#300-1
AWK VOR.....	Carter Int**.....	Via R-245.....	1500	C-dn.....	500-1	500-1	500-1 1/2
12-mile DME arc, radials 180 through 000 clockwise.....	W crs ILS.....	Via 12-mile arc.....	1500	S-dn-10.....	#300-1	#300-1	#300-1
W crs ILS and 12-mile DME flx.....	Carter Int** (final).....	Via W crs ILS.....	700	A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1500' within 10 miles of Carter Int.\*\*  
 When authorized by ATC, DME may be used within 12 miles between radials 180° and 000° clockwise to position aircraft for final approach and elimination of procedure turn.  
 Minimum altitude over Carter Int\*\* on final approach crs Inbnd, 700'.  
 Crs and distance Carter Int\*\* to airport, 095°—2.5 miles; AXX Rbn to airport, 095°—0.2 mile.  
 Altitude and distance to approach end of runway at Carter Int,\*\* 700'—2.5 miles; at AXX Rbn, 300'—0.2 mile.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles (AXX RBN) after passing Carter Int,\*\* climb to 1600' on E crs of ILS within 20 miles.  
 NOTES: No glide slope. No approach lights. No marker beacons. Procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.  
 \*CAUTION: 1. When tower advisories report ocean vessel at mooring buoys minimums are 400-1. 2. Circling N side of airport, not authorized due 422' tower 1.5 miles N.  
 \*\*Carter Int: Int W crs ILS and R-245 AWK VOR.

City, Wake Island; Airport Name, Wake Island; Elev., 13'; Fac. Class., ILS; Ident., I-AWK; Procedure No. ILS-16, LDC, Only, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 11 Jan. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.  
 If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°.....	360°.....	Within:	2000	Surveillance approach			
000°.....	360°.....	10 miles.....	2100	T-dn.....	300-1	300-1	200-1/2
000°.....	360°.....	20 miles.....	2500	C-dn.....	500-1	500-1	500-1 1/2
000°.....	360°.....	30 miles.....	2800	S-dn-28, 33.....	400-1	400-1	400-1
000°.....	360°.....	40 miles.....		S-dn-22.....	500-1	500-1	500-1
				S-dn-10, 15.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 28, 22, 33: Climb to 2000' direct to BAL LOM. Hold W, 102° Inbnd, 1-minute right turns. Runways 10, 15: Climb to 2000' direct to BAL LFR. Hold N, 195° Inbnd, 1-minute right turns.  
 Other change: Straight-in minimums Runway 4 deleted.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 148'; Fac. Class. and Ident., Baltimore Radar; Procedure No. 1, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

000°.....	360°.....	0-25 miles.....	2600	Surveillance approach			
				T-dn*.....	300-1	300-1	200-1/2
				C-dn.....	400-1	500-1	500-1 1/2
				S-dn-12, 30, 5.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar control will provide 1000' vertical clearance within a 3.0-mile radius of 1710' tower 15 miles NE of airport.  
 All bearings and distance are from radar site located on airport.  
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600', proceed direct to DSM VOR, or when directed by ATC, climb to 2700', proceed direct to TNU VOR.  
 NOTE: Aircraft executing missed approach may be radar controlled after radar identification.  
 CAUTION: 1548' tower located 3.2 miles NNE of airport. When tower not visible on takeoff to NW or NE, climb to 2100' prior to turning toward tower.  
 Other change: Deletes reference to E and N takeoffs.

City, Des Moines; State, Iowa; Airport Name, Municipal; Elev., 957'; Fac. Class. and Ident., Des Moines Radar; Procedure No. 1, Amdt. 2; Eff. Date, 6 June 64; Sup. Amdt. No. 1; Dated, 20 Jan. 62

## RULES AND REGULATIONS

## RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
240°	360°	5 miles	4700	10 miles	6000										Surveillance approach		
360°	100°	5 miles	3800											T-dn**#	1000-2	1000-2	1000-2
100°	240°	5 miles	3000											C-dn**	1200-2	1200-2	1200-2
360°	110°			10 miles	4200									S-dn-33*	1200-2	1200-2	1200-2
110°	180°			10 miles	3700	15 miles	3700							A-dn**	2000-2	2000-2	2000-2
180°	240°			10 miles	5000												
180°	080°					15 miles	6000										
080°	110°					15 miles	5000										

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished abeam the Roanoke RBN, make immediate right climbing turn to Woodrum VOR R-126, climb on R-126 to cross Leslie RBN at 3100' or above, hold SE on Leslie RBN, 306° Inbad, at 4000', 1-minute right turns.

CAUTION: Execute missed approach abeam Roanoke RBN.

NOTE: VOR and ADF receiver required.

\*Maintain 3700' to 7-mile radar fix; then maintain 3200' to 6-mile radar fix; then maintain 2400' to 2.0-mile radar fix.

#600-2 minimums on Runway 15 and 800-2 minimums on Runway 23 authorized with immediate left turn to intercept R-126 ODR VOR, cross Leslie RBN at 2100' or above, climb to en route altitude in Leslie holding pattern. Sliding scale not authorized.

\*\*Takeoffs on Runway 33 and landings on Runway 15 not authorized at night.

MSA: 000°-090°-5200'; 090°-180°-3600'; 180°-270°-4900'; 270°-360°-6400'.

City, Roanoke; State, Va.; Airport Name, Roanoke Municipal (Woodrum Field); Elev., 1174'; Fac. Class. and Ident., Roanoke Radar; Procedure No. 1, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 3 Aug. 63.

Radar terminal area maneuvering sectors and altitudes						Ceiling and visibility minimums		
Within 10 miles:	Within 10-15 miles:	Within 20 miles:	Within 30 miles:	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Area N of 18° 23' N—1500'. Area S of 18° 23' N—3000'.	170°-250°-3200'. Within 20 miles: 250°-105°-2000'.		260°-105°-2500'. 105°-250°-4500'. 250°-200°-3500'.		Surveillance approach			
				T-dn	300-1	300-1	200-1½	
				C-dn-7	600-1	600-1	600-1½	
				C-dn-25	500-1	500-1	500-1½	
				S-dn-25	400-1	400-1	400-1	
				S-dn-7	600-1	600-1	600-1	
				A-dn	800-2	800-2	800-2	

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 7 approach, turn right and climb to 1500' on R-095 of SJU VOR within 20 miles; for Runway 26 approach, turn right, climb to 2000' on R-359 of SJU VOR within 20 miles.

NOTE: Descent below 1200' not authorized until passing 4.6-mile radar fix.

MSA: 090°-270°-4500'; 270°-090°-1600'.

City, San Juan, P.R.; Airport Name, Puerto Rico International; Elev., 9'; Fac. Class. and Ident., San Juan Radar; Procedure No. 1, Amdt. 1; Eff. Date, 6 June 64; Sup. Amdt. No. Orig.; Dated, 21 Mar. 64.

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of sections 307(c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775).

Issued in Washington, D.C., on May 1, 1964.

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

[F.R. Doc. 64-4649; Filed, June 5, 1964; 8:45 a.m.]

## Title 7—AGRICULTURE

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

#### PART 28—COTTON CLASSING, TESTING, AND STANDARDS

##### Subpart E—Cotton Fiber and Processing Tests

###### FEES FOR MICRONAIRE READINGS

Statement of considerations leading to amendment. A micronaire (mike) reading service for cotton classed for producers under the Smith-Doxey program was established in October 1962. A fee of eight cents per sample was established

for gins and sampling agents that submit written applications for the service providing that mike readings be performed on all samples submitted for cotton classing under the Smith-Doxey program. Mike readings were made on about 1,250,000 samples classed for producers from the 1962 crop and about 3,500,000 samples from the 1963 crop. On April 28, 1964, the Department announced that mike readings will be included as an additional quality factor for upland cotton going under price support loan beginning with the 1964 crop.

The increased volume of mike readings being made for producers has made possible a more economical operation and a reduction in the fee from eight cents to six cents per sample.

Pursuant to authority contained in section 3c of the Cotton Statistics and

Estimates Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c), § 28.956 of the regulations for cotton fiber and processing tests is amended by revising item No. 36 to read as follows:

36. Micronaire (mike) readings on cotton samples submitted for classification pursuant to §§ 28.901-28.917 in this Part 28. These mike readings will be made available upon written application from the manager or other officer of the cotton gin which gins the cotton or from other sampling agents authorized to sample cotton pursuant to § 28.906. Such applications will provide that a mike reading will be made on each sample submitted for classification and that the applicant will be responsible for the payment of the test fee. Application forms for this service will be furnished by the Cotton Division.

Per Sample..... \$0.06

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

The establishment and revision of the fee for mike readings for producers depends upon facts within the knowledge of the Agricultural Marketing Service. It will benefit cotton producers for this amendment to be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

**Effective date.** This amendment shall become effective June 15, 1964.

Dated: June 2, 1964.

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

[F.R. Doc. 64-5608; Filed, June 5, 1964;  
8:47 a.m.]

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

[Valencia Orange Reg. 87]

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

**Limitation of Handling**

**§ 908.387 Valencia Orange Regulation 87.**

(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 June 4, 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., June 7, 1964, and ending at 12:01 a.m., P.s.t., June 14, 1964, are hereby fixed as follows:

- (i) District 1: 200,000 cartons;
- (ii) District 2: 300,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "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: June 5, 1964.

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

[F.R. Doc. 64-5722; Filed, June 5, 1964;  
11:28 a.m.]

[Lemon Reg. 114]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 910.414 Lemon Regulation 114.**

(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 pub-

lic 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 June 2, 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., June 7, 1964, and ending at 12:01 a.m., P.s.t., June 14, 1964, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 441,750 cartons;
- (iii) District 3: Unlimited movement.

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

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

Dated: June 4, 1964.

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

[F.R. Doc. 64-5705; Filed, June 5, 1964;  
8:52 a.m.]

[Cherry Reg. 3]

**PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON**

**Limitation of Shipments**

**§ 923.303 Cherry Regulation 3.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the han-

dling of sweet cherries grown in designated counties in Washington, 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 of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein 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 thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, 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; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 8, 1964. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until May 19, 1964; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee on May 19, 1964, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until May 26, 1964; shipments of the current crop of such cherries will begin on or about June 8, 1964, and this section should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 8, 1964, and ending at 12:01 a.m., P.s.t., September 1, 1964, no handler shall, except as provided in subparagraph (2) of this paragraph, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(i) *Minimum grade.* U.S. No. 1: *Provided,* That the contents of individual packages in a lot are not limited as to the percentage of defects but the average of the defects of the entire lot shall be within the tolerances specified for such grade.

(ii) *Minimum size.* At least 95 percent, by count, shall measure not less than  $\frac{3}{4}$  inches in diameter.

(iii) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 95 percent, by count, shall measure not less than  $\frac{5}{8}$  inches in diameter.

(iv) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of  $15\frac{1}{2}$  by  $10\frac{1}{2}$  by 4 inches shall be not less than 20 pounds.

(2) *Exceptions.* During the aforesaid period, any handler may handle any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, without regard to the restrictions specified in this paragraph (b) or in § 923.41 or § 923.55 of this part.

(c) *Definitions.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order;

(2) "U.S. No. 1" and "diameter" shall have the same meaning as when used in the U.S. Standards for Sweet Cherries (7 CFR 51.2646-51.2657); and

(3) "Faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

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

Dated: June 4, 1964.

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

[F.R. Doc. 64-5674; Filed, June 5, 1964; 8:52 a.m.]

[965.306, Amdt. 2]

## PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Limitation of Shipments

*Findings.* (a) Pursuant to Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr and Willacy in Texas (Lower Rio Grande Valley), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Texas Valley Tomato Committee, established pursuant to the said marketing order, and other available information, it is hereby found that the amendment to the limitation of shipments regulations, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in

that (1) the time intervening between the date when information upon which this regulation is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient since the marketing season of the 1963-64 Lower Valley tomato crop has begun, (2) regulations have been issued under the order since 1959, so compliance with this regulation will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

*Order, as amended.* In § 965.306 (29 F.R. 5636, 7143) the introductory paragraph and paragraph (a) are amended to read as follows:

### § 965.306 Limitation of shipments.

Except as otherwise provided in this section, during the period June 6, 1964, through July 15, 1964, the following regulations shall be effective with respect to all varieties of tomatoes handled, except Cerasiform type tomatoes commonly referred to as cherry tomatoes, as defined in § 965.5 of Order No. 965, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section. Elongated types of tomatoes, commonly referred to as pear shaped tomatoes and including but not limited to San Marzano, Red Top, and Roma varieties are not subject to the requirements of subparagraphs (2) and (3) of paragraph (a) of this section.

(a) *Requirements.*—(1) *Minimum grade.* U.S. No. 3, or better, grade.

(2) *Minimum size.*  $1\frac{1}{2}$  inches in diameter or larger. Not more than ten percent, by count, of tomatoes in any lot of sizes 7 x 8 ( $1\frac{1}{2}$  inches minimum diameter to 2 inches maximum diameter) may be smaller than the specified minimum diameter.

(3) *Sizing arrangement.* (i) Mature green tomatoes shall be packed in one of the following ranges of diameter applicable thereto.

Size arrangements	
Mature green:	Diameter (inches)
7 x 8.....	$1\frac{1}{2}$ to 2, inclusive.
7 x 7.....	Over 2 to $2\frac{1}{2}$ , inclusive.
6 x 7.....	Over $2\frac{1}{2}$ to $2\frac{1}{2}$ , inclusive.
6 x 6.....	Over $2\frac{1}{2}$ .

(ii) All tomatoes subject to sizing arrangements shall be packed separately for each size range, except that size 6 x 6 and larger sizes may be commingled.

(iii) To allow for variations incident to proper sizing and handling, for mature green tomatoes, not more than a total of ten percent, by count, in any lot, may be smaller than the minimum diameter or larger than the specified maximum diameter. Tomatoes of turning or greater degree of maturity shall not be subject to size arrangements.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated June 5, 1964, to become effective at 12:01 a.m., c.s.t., June 6, 1964.

PAUL A. NICHOLSON,  
Deputy Director,  
Fruit and Vegetable Division.

[F.R. Doc. 64-5724; Filed, June 5, 1964;  
11:31 a.m.]

[980.202, Amdt. 2]

## PART 980—VEGETABLES; IMPORT REGULATIONS

### Tomatoes

Pursuant to the requirement contained in § 608e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), § 980.202 *Tomato import regulation No. 9* (29 F.R. 6001, 7143), is hereby amended as set forth below.

*Order, as amended.* Amend paragraph (a) to read as follows:

#### § 980.202 *Tomato import regulation No. 9.*

Except as otherwise provided, during the period from June 6, 1964, to July 15, 1964, both dates inclusive, no person shall import fresh tomatoes of any variety except Cerasiform type commonly referred to as cherry tomatoes unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* U.S. No. 3, or better, grade.

(2) *Size.* 1 $\frac{2}{32}$  inches minimum diameter or larger.

(i) *Exceptions to size requirement.* Elongated types, commonly referred to as pear-shaped tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties are exempt from the minimum-size requirement.

(ii) *Tolerance for size.* Not more than ten (10) percent, by count, of the tomatoes in any lot of 7 x 8 (1 $\frac{2}{32}$  inches minimum diameter to 2 inches maximum diameter) may be smaller than the specified minimum diameter.

This amendment accords with simultaneous amendment to the limitation of shipments regulation effective on domestic shipments of tomatoes (§ 965.306, Amdt. No. 2) under Marketing Order No. 965 (7 CFR Part 965), regulating the handling of tomatoes grown in the Lower Rio Grande Valley in Texas, and relieves restrictions on the importation of tomatoes from the effective date hereof through July 15, 1964. Accordingly notice of rule making and publication procedure hereon are unnecessary and impractical and there is no reason to postpone the effective date beyond June 6, 1964 (5 U.S.C. 1003).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated June 5, 1964, to become effective 12:01 a.m., c.s.t., June 6, 1964.

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

[F.R. Doc. 64-5725; Filed, June 5, 1964;  
11:31 a.m.]

## Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 40]

### PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

#### Miscellaneous Amendments

#### § 1040.0 Findings and determinations.

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) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective on publication in the FEDERAL REGISTER. Any delay beyond that date would tend

to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Under Secretary was issued October 31, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 18, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended as follows:

1. Section 1040.8 is revised to read as follows:

#### § 1040.8 *Producer-handler.*

"Producer-handler" means a person who operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received no fluid milk products except from his own production or by transfer from a pool plant: *Provided,* That such person provides proof that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant) and the operation of the processing business is the personal enterprise and risk of such person.

2. Section 1040.41 is revised to read as follows:

#### § 1040.41 *Classes of utilization.*

(a) \* \* \*

(1) Disposed of in the form of a fluid milk product, except as provided in paragraphs (b) (2), (3) and (8) of this section; and

(2) \* \* \*

(b) \* \* \*

(8) In skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of the fluid milk product.

3. Section 1040.80 is revised to read as follows:

**§ 1040.80 Time and method of payment.**

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform prices computed pursuant to §§ 1040.62, 1040.63, 1040.64 or 1040.65 adjusted by the location and butterfat differentials pursuant to §§ 1040.67 and 1040.68, less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1040.83 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and each handler shall submit to the cooperative association written information on or before the 6th working day of each month which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and

(iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association;

(c) \* \* \*

(d) On or before the last day of each month, for producer milk received during the first 15 days of the month at not less than the Class II milk price for the preceding month.

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

*Effective date.* On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 3, 1964.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 64-5623; Filed, June 5, 1964; 8:52 a.m.]

[Milk Order 42]

**PART 1042—MILK IN MUSKEGON, MICHIGAN MARKETING AREA**

**Miscellaneous Amendments**

**§ 1042.0 Findings and determinations.**

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) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Muskegon, Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective on publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Under Secretary was issued October 31, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 18, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Muskegon, Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended as follows:

1. Section 1042.9 is revised to read as follows:

**§ 1042.9 Producer-handler.**

"Producer-handler" means a person who operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area, and

who received no fluid milk products except from his own production or by transfer from a pool plant: *Provided*, That such person provides proof that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant) and the operation of the processing business is the personal enterprise and risk of such person.

2. Section 1042.41 is revised to read as follows:

§ 1042.41 Classes of utilization.

(a) \* \* \*

(1) disposed of for consumption in fluid form (except as provided in paragraphs (b) (4) and (5) of this section) as milk, skim milk, buttermilk, flavored milk, sweet or sour cream, and

(2) \* \* \*

(b) \* \* \*

(5) in skim milk represented by the nonfat milk solids added to a Class I milk product which is in excess of the weight of an equivalent volume of the Class I milk product; and

3. Section 1042.80 is revised to read as follows:

§ 1042.80 Time and method of payment.

(a) On or before the last day of each month each handler shall pay to each producer for producer milk received during the first 15 days of the month, and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the Class II milk price for the preceding month; and

(b) Each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, on or before the second day prior to the end of the month the payments authorized pursuant to paragraph (a) of this section, and on or before the 15th day after the end of each month the uniform price adjusted as provided in § 1042.70(b), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat differential pursuant to § 1042.81 and less the payments made pursuant to paragraph (a) of this section; *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1042.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payments uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

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

*Effective date.* On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 3, 1964.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 64-5624; Filed, June 5, 1964; 8:52 a.m.]

[Milk Order 43]

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

Miscellaneous Amendments

§ 1043.0 Findings and determinations.

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/or 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) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upstate Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) 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 said marketing area, and the minimum prices specified in the order as hereby 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;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective on publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recom-

mended decision of the Under Secretary was issued October 31, 1962, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued May 18, 1964. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Upstate Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended as follows:

1. Section 1043.12 is revised to read as follows:

§ 1043.12 Producer-handler.

"Producer-handler" means a person who operates a dairy farm and a distributing plant and who received no fluid milk products except from his own production or by transfer from a pool plant: *Provided*, That such person provides proof that the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant) and the operation of the processing business is the personal enterprise and risk of such person.

2. Section 1043.41 is revised to read as follows:

§ 1043.41 Classes of utilization.

(a) \* \* \*

(1) disposed of for consumption in the form of fluid milk products except as provided in paragraphs (b) (5) and (c) (2) of this section; and

(b) \* \* \*

(5) in skim milk represented by the nonfat milk solids added to a fluid milk

product which is in excess of the weight of an equivalent volume of the fluid milk product; and

3. Section 1043.45 is revised to read as follows:

**§ 1043.45 Computation of skim milk and butterfat in each class.**

For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I, and Class II and Class III utilization for such handler: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

4. Section 1043.70 is revised to read as follows:

**§ 1043.70 Time and method of payment.**

(a) (1) Except as provided in paragraph (b) of this section, on or before the 15th day after the end of each month each handler who received milk from producers shall pay for milk received during such month to each producer for milk received from him the uniform price as provided in § 1043.61 adjusted by the butterfat differential pursuant to § 1043.62 and the location differential adjustment pursuant to § 1043.63 and less the payments made pursuant to subparagraph (3) of this paragraph.

(2) \* \* \*

(3) Except as provided in paragraph (b) of this section, on or before the last day of each month each handler who received milk from producers shall pay for milk received during the first 15 days of such month at not less than the Class II milk price for the preceding month.

(b) \* \* \*

(1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (a) (3) of this section, and on or before the 15th day of each month, in lieu of payments pursuant to paragraph (a) (1) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (i) the total pounds of milk received from him during the preceding month, (ii) the total

pounds of butterfat contained in such milk, (iii) the number of days on which milk was received, and (iv) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

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

*Effective date.* On publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 3, 1964.

GEORGE L. MEHREN,  
Assistant Secretary.

[F.R. Doc. 64-5625; Filed, June 5, 1964; 8:52 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of the Navy

Section 213.3108(a) is amended to except temporarily 16 positions when occupied by U.S. citizens who were serving at the Naval Base at Guantanamo Bay, Cuba, under excepted or overseas limited appointment, during October 1962.

##### § 213.3108 Department of the Navy.

(a) *General* \* \* \*

(6) Until June 30, 1967, not to exceed 16 positions when occupied by U.S. citizens who were serving under excepted or overseas limited appointment at the Naval Base at Guantanamo Bay, Cuba, during October 1962.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 64-5618; Filed, June 5, 1964; 8:49 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Department of Defense

Section 213.3306 is amended to show that the position, One Special and Confidential Assistant to the Assistant Secretary of Defense (Civil Defense), no longer is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraph (25) of paragraph (a) is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 64-5617; Filed, June 5, 1964; 8:49 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release 34-7330]

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

##### Regulation of Floor Trading

On April 9, 1964, in Securities Exchange Act Release No. 7290, and in the FEDERAL REGISTER of April 15, 1964, 29 F.R. 5168, the Securities and Exchange Commission announced that it had under consideration two related proposals for the regulation of floor trading on national securities exchanges: (1) The adoption of Rule 11a-1 (17 CFR § 240.11a-1) under Section 11 of the Securities Exchange Act of 1934 ("Exchange Act"); and (2) a plan of the New York Stock Exchange ("Exchange") for the regulation of floor trading on that Exchange. "Floor trading" is trading by members of national securities exchanges for their own account while personally present on the floor of an exchange. The Commission has considered the comments and suggestions received on these proposals and has adopted Rule 11a-1 (17 CFR § 240.11a-1) in the form stated below, effective August 3, 1964, and also has declared effective on the same date the plan filed by the New York Stock Exchange.

*Summary of Rule 11a-1 (17 CFR § 240.11a-1) and the New York Stock Exchange Plan.* The rule provides, with exceptions discussed below, that no member of a national securities exchange, while on the floor of such exchange, may initiate any transaction in any security admitted to trading on the exchange, for an account in which such member has an interest. The rule defines "floor trading" broadly to include not only transactions initiated on the actual trading floor but also transactions initiated by members from other premises made available for the use of members generally. The prohibition also extends to orders initiated off the floor for an account in which a member has an interest if the member exercises discretion on the floor in the execution of an order for such an account.

The rule provides an exemption for registered specialists and odd-lot dealers, stabilizing activities pursuant to Rule 10b-7 (17 CFR § 240.10b-7) under the Exchange Act, bona fide arbitrage, transactions approved for the purpose of

maintaining a fair and orderly market and transactions made to offset errors. Finally, the rule permits floor trading transactions effected in conformity with a plan, adopted by an exchange and approved by the Commission, which is designed to eliminate floor trading activities not beneficial to the market.

Under the latter exemption the Exchange has filed a plan consisting of the following Exchange rules and policies having the effect of rules:

1. A member category known as the "registered trader" is to be established by the Exchange.

2. Each member registered as a trader is required to meet by January 1, 1965, an initial minimum capital requirement of \$250,000, over and above the capital required for the member's other activities.

3. In order to engage in floor trading, members are required to show a familiarity with the requirements applicable to registered traders through an appropriate examination.

4. Registered traders are prohibited from executing brokerage orders and floor trading in the same security during a single trading session.

5. A series of rules have been formulated which are designed to compel registered traders to engage in transactions to contribute to orderliness of markets and to prohibit them from engaging in transactions which have disruptive market effects.

a. Destabilizing acquisitions of a security above the previous day's closing price in such security are prohibited;

b. At least 75 percent of all registered trader acquisitions and 75 percent of all liquidations (except for liquidations at a loss) are required to meet a "stabilization" test (i.e., purchases below the last different price and sales above the last different price are to be considered stabilizing). This performance test will be computed on a monthly basis;

c. Present Exchange rules which now prohibit members from trading on the floor in such a way as to "dominate" markets in the acquisition of positions are extended to cover liquidations of positions.

6. Registered traders in the acquisition of positions will have to yield the floor to orders originated off the floor by giving up priority based on time and parity with or precedence based on size over, such orders, and will also yield precedence based on size when liquidating positions.

*Purpose of adoption of Rule 11a-1 (17 CFR § 240.11a-1).* Section 11(a) of the Exchange Act provides that the Commission shall prescribe such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to regulate or prevent floor trading. Rule 11a-1 (17 CFR § 240.11a-1) and the plan of the Exchange will provide a comprehensive system for the regulation of floor trading on the New York Stock Exchange.

As was fully discussed in Securities Exchange Act Release No. 7290 (29 F.R. 5168), experience has demonstrated that floor trading has frequently interfered with the orderly execution of public

brokerage orders by delaying consummation of a public transaction or causing it to be executed at a different price than it otherwise would, to the detriment of one or the other of the public customers involved. Furthermore, to the extent that floor traders engage in transactions which tend to cause market instability, they make it more difficult for specialists to perform their functions. Floor trading may also distract brokers, as well as specialists, from the performance of their responsibilities. It also involves special advantages to exchange members engaging in that activity without any corresponding benefit to investors. Rule 11a-1 (17 CFR § 240.11a-1) and the plan of the New York Stock Exchange are designed to eliminate these aspects of floor trading.

In Release No. 7290 (29 F.R. 5168) the Commission also indicated that it would review the operation of the plan filed by the Exchange after effectiveness to determine whether it has the desired effects. In its order declaring the plan effective, the Commission set forth procedures to be followed in terminating or suspending the plan if it becomes necessary to do so.

It is anticipated that the American Stock Exchange will file a plan for the regulation of floor trading on that Exchange prior to August 3, 1964, the effective date of Rule 11a-1 (17 CFR § 240.11a-1) and that other national securities exchanges will request exemption from the proposed rule under section 11(c) of the Exchange Act.

*Statutory basis.* The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, as amended, and particularly sections 11(a) and 23(a) thereof, deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts Rule 11a-1 (17 CFR § 240.11a-1) as set forth below, effective August 3, 1964.

The action of the Commission follows:

I. Title 17 of the Code of Federal Regulations is amended by adding a new § 240.11a-1 to read as follows:

**§ 240.11a-1 Regulation of floor trading.**

(a) No member of a national securities exchange, while on the floor of such exchange, shall initiate, directly or indirectly, any transaction in any security admitted to trading on such exchange, for any account in which such member has an interest, or for any such account with respect to which such member has discretion as to the time of execution, the choice of security to be bought or sold, the total amount of any security to be bought or sold, or whether any such transaction shall be one of purchase or sale.

(b) The provisions of paragraph (a) of this section shall not apply to:

(1) Any transaction by a registered specialist in a security in which he is so registered on such exchange;

(2) Any transaction for the account of an odd-lot dealer in a security in which he is so registered on such exchange;

(3) Any stabilizing transaction effected in compliance with § 240.10b-7 (Rule 10b-7) to facilitate a distribution of such security in which such member is participating;

(4) Any bona fide arbitrage transaction;

(5) Any transaction made with the prior approval of a floor official of such exchange to permit such member to contribute to the maintenance of a fair and orderly market in such security, or any purchase or sale to reverse any such transaction;

(6) Any transaction to offset a transaction made in error; or

(7) Any transaction effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market and which plan has been adopted by an exchange and declared effective by the Commission. For the purpose of this rule, a plan filed with the Commission by a national securities exchange shall not become effective unless the Commission, having due regard for the maintenance of fair and orderly markets, for the public interest, and for the protection of investors, declares the plan to be effective.

(c) For the purpose of this rule the term "on the floor of such exchange" shall include the trading floor; the rooms, lobbies, and other premises immediately adjacent thereto for use of members generally; other rooms, lobbies and premises made available primarily for use by members generally; and the telephone and other facilities in any such place.

(d) Any national securities exchange may apply for an exemption from the provisions of this rule in compliance with the provisions of section 11(c) of the Act.

(Sections 11(a) and 23(a), 48 Stat. 891, 901, as amended, 15 U.S.C. 78k, 78w)

*II. Action declaring New York Stock Exchange plan effective.* The text of the Commission's action declaring effective the floor trading plan of the New York Stock Exchange is as follows: The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 11(a) and 23(a) thereof, as amended, and Rule 11a-1 (17 CFR § 240.11a-1) under the Act, deeming it necessary for the exercise of the functions vested in it, and having due regard for the maintenance of fair and orderly markets, for the public interest, and for the protection of investors, and finding that the floor trading plan of the New York Stock Exchange filed on May 25, 1964 is designed to eliminate floor trading activities not beneficial to the market hereby declares such plan effective August 3, 1964. If at any time it appears to the Commission to be necessary or appropriate in the public interest, or for the protection of investors, or for the maintenance of fair and orderly markets, or that the plan has not eliminated the harmful effects of floor trading, the Commission may suspend or terminate the effectiveness of the plan by sending at least sixty days written notice to the

New York Stock Exchange. The New York Stock Exchange shall have the opportunity to submit any written data, views, arguments or modifications in its plan within such sixty-day period in such form as the Commission deems appropriate under the circumstances. After consideration of all relevant material presented, the Commission shall take such action with respect to the plan as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

JUNE 2, 1964.

[F.R. Doc. 64-5596; Filed, June 5, 1964;  
8:45 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER A—GENERAL

#### PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

##### Notice to Manufacturers and Distributors of Drugs Containing Thorium Dioxide

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a), 52 Stat. 1050, as amended, 1055; 21 U.S.C. 352, 371(a)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), Part 3 is amended by adding thereto the following new section:

##### § 3.36 Thorium dioxide; not for administration to man or food-producing animals.

(a) Thorium dioxide is a source of naturally occurring radioactivity that has been used over a period of years as a radiopaque medium. When thorium dioxide is injected, it is permanently stored in the body. Because of its radioactivity, this storage causes scarring and carcinogenesis in the area of storage. There are reports in the medical literature of malignancy and deaths resulting from the injection of thorium dioxide. At present there is no unique clinical usefulness of thorium dioxide justifying its administration to man. The administration of the drug to food-producing animals may result in residues of the drug in food.

(b) The Commissioner of Food and Drugs therefore concludes that preparations containing thorium dioxide or any source of thorium are unsafe for administration to man under any form of labeling. Any such preparations will be regarded as misbranded and subject to regulatory proceedings under the Federal Food, Drug, and Cosmetic Act unless they are conspicuously labeled with a warning statement to the effect: "Warn-

ing—Not for administration to man. Not for administration to food-producing animals."

(Secs. 502, 701(a), 52 Stat. 1050, as amended, 1055; 21 U.S.C. 352, 371(a))

Dated: June 1, 1964.

GEORGE P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 64-5619; Filed, June 5, 1964;  
8:49 a.m.]

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 121—FOOD ADDITIVES

##### Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

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

##### ESTRADIOL MONOPALMITATE; POLYETHYLENE GLYCOLS

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 701) filed by Mattox and Moore, Inc., 1503 East Riverside Drive, Indianapolis 7, Indiana, and other relevant material, has concluded that the following regulations should issue to prescribe conditions under which estradiol monopalmitate may be safely used for subcutaneous injection in chickens. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 as amended; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new sections:

##### § 121.257 Estradiol monopalmitate.

Estradiol monopalmitate may be safely used in animals in accordance with the following prescribed conditions:

##### ESTRADIOL PALMITATE IN CHICKENS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Estradiol monopalmitate.	10 mg. per dose.	Vehicle of polyethylene glycol 200+polyethylene glycol 4,000.	-----	For roasting chickens; one dose per bird by injection under skin at base of skull at not less than 5 weeks of age; not to be used within 6 weeks of slaughter; the polyethylene glycols used conform to § 121.259.	Produce more uniform fat distribution; improve finish.

(c) To assure safe use the label and the labeling of the additive or additives shall bear, in addition to the other information required by the act, the following:

- (1) The name of the additive or additives.
- (2) A statement of the quantity of the additive or additives contained therein.
- (3) Adequate directions and warnings for use.

##### § 121.259 Polyethylene glycols.

The following polyethylene glycols may be safely used in animals in accord-

(a) The additive is the chemical 1,3,5 (10)-estratriene-3, 17 $\beta$ -diol 17-palmitate (C<sub>36</sub>H<sub>54</sub>O<sub>2</sub>), conforming to the specifications prescribed in this paragraph:

(1) The melting point range of estradiol monopalmitate is 81° C.-85° C. (method U.S.P. XVI, Procedure for Class Ia).

(2) After saponification of the additive as described in subparagraph (3) of this paragraph, the melting point of the isolated estradiol ranges from 173° C. to 179° C. and the melting point of the isolated palmitic acid is 63° C.

(3) Saponification of the additive is accomplished by refluxing about 0.2 gram of the additive with 3 milliliters of half-normal alcoholic potassium hydroxide solution on a water bath for 2 hours. Phenolphthalein solution is added and the excess potassium hydroxide is titrated with 0.1N hydrochloric acid. One milliliter of 5-normal sodium hydroxide solution is added to the titrated solution and the alcohol removed by warming on the steam bath. After addition of 10 milliliters of water, the solution is cooled to room temperature. The precipitate is filtered through a sintered glass filter and washed with 3 milliliters of water. Carbon dioxide is passed through the filtrate for about 5 minutes. The precipitated crystals are filtered through a sintered glass filter, washed neutral with water, and dried at 105° C. The isolated estradiol shall meet the melting point range specified in subparagraph (2) of this paragraph. The precipitate from the filtrate is transferred into a glass beaker and warmed with 15 milliliters of 12½ percent hydrochloric acid. The precipitated palmitic acid is filtered off, washed with water, and dried. The melting point of the isolated palmitic acid corresponds to the figure specified in subparagraph (2) of this paragraph.

(b) The additive is used or intended for use as prescribed in the following table. The term "principal ingredient" as used in this table refers to the additive named in the heading of this section.

ance with the following prescribed conditions:

(a) *Polyethylene glycol 200*. Polyethylene glycol 200 is a condensation product of ethylene oxide and water, conforming to the following specifications:

- (1) Average molecular weight 190-210.
- (2) Total ethylene and diethylene glycol content not to exceed 10 percent by weight.

(b) *Polyethylene glycol 4000*. Polyethylene glycol 4000 is a condensation

product of ethylene oxide and water conforming to the following specifications:

- (1) U.S.P. XVI specifications.
- (2) Total ethylene and diethylene glycol content not to exceed 0.15 percent by weight.

(c) through (l) [Reserved]  
 (m) The additive is used or intended for use as a vehicle in accordance with the provisions of other regulations in this Subpart C.

B. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has concluded that where chickens have been treated with an injection containing estradiol monopalmitate in accordance with § 127.257, tolerance limitations are required in order to assure that the edible products of chickens are safe for consumption. Therefore, Subpart D is amended by adding thereto the following new section:

§ 121.1150 Estradiol monopalmitate.

(a) A tolerance of zero is established for residues of estradiol monopalmitate in the uncooked edible tissues and by-products of chickens.

(b) The method of examination prescribed for the quantitative determination of estradiol monopalmitate is as follows: Incorporate finely ground tissues of the treated chickens in the diet of immature mice and assay by the mouse uterine-weight method of E. J. Umberger, J. H. Gass, and J. M. Curtis published in *Endocrinology*, volume 63, page 806 (1958).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

(Sec. 409(c)(1), (4), 72 Stat. 1786 as amended; 21 U.S.C. 348(c)(1), (4))

Dated: May 27, 1964.

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

[F.R. Doc. 64-5620; Filed, June 5, 1964; 8:49 a.m.]

**Title 28—JUDICIAL ADMINISTRATION**

**Chapter I—Department of Justice**

[Order No. 315-64]

**PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

**Subpart W—Authority To Compromise and Close Civil Claims**

**AUTHORIZATION TO REDELEGATE**

Amendment to the Department of Justice Organization Order (No. 271-62) authorizing the Assistant Attorney General in charge of the Criminal Division to redelegate his authority to compromise and close civil claims.

Under and by virtue of the authority vested in me by Section 161 of the Revised Statutes (5 U.S.C. 22) and Section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), § 0.169 of Subpart W of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is hereby amended to read as follows:

**§ 0.169 Redlegation by Assistant Attorney General in charge of Criminal Division.**

The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Second Assistant, and to section chiefs in the Criminal Division, and to United States Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

The amendment made by this order shall become effective upon the date of the publication of this order in the FEDERAL REGISTER.

(R.S. 161; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949-1953 Comp., 64 Stat. 1261)

Dated: June 1, 1964.

ROBERT F. KENNEDY,  
 Attorney General.

**Appendix—Redelegations of Authority To Compromise and Close Civil Claims**

**CRIMINAL DIVISION**

[Directive No. 1]

**REDELEGATION OF AUTHORITY WITH RESPECT TO COMPROMISE OF CIVIL PENALTIES AND FORFEITURES**

Delegation of authority to the First Assistant, to the Second Assistant, and to section chiefs. By virtue of the authority vested in me by § 0.169 of Title 28 of the Code of Federal Regulations, as amended, the authority delegated to me by §§ 0.160, 0.162, and 0.164 of that title to compromise civil penalties and forfeitures and to allow or deny petitions for remission or mitigation of civil penalties and forfeitures is hereby redelegated to the First Assistant, to the Second Assistant, and to section chiefs in the Criminal Division.

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

HERBERT J. MILLER, Jr.,  
 Assistant Attorney General.

Approved: June 1, 1964.

ROBERT F. KENNEDY,  
 Attorney General.

[F.R. Doc. 64-5597; Filed, June 5, 1964; 8:45 a.m.]

**Title 33—NAVIGATION AND NAVIGABLE WATERS**

**Chapter II—Corps of Engineers, Department of the Army**

**PART 203—BRIDGE REGULATIONS**

**Nansemond River, Va., and Dead River, Fla.**

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (f), by adding subparagraph (28-a) to govern the operation of the Virginia Department of Highways bridge across Nansemond River at Suffolk, Va., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(f) *Waterways discharging into Chesapeake Bay.* \* \* \*

(28-a) Nansemond River, Va.; Virginia Department of Highways bridge on U.S. Route 460 at Suffolk. At least 12 hours' advance notice required.

[Regs., 21 May 1964, 1507-32 (Nansemond River, Va.)—ENGW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.434 is hereby amended revoking paragraph (b)(1) governing the operation of the bridge on State Road 500 over Dead River, Fla., and making minor revision in paragraph (c) effective on publication in the FEDERAL REGISTER because the bridge has been removed, as follows:

§ 203.434 Oklawaha River, Haines Creek and Dead River, Fla.; Bridges over Oklawaha River on State Road S-316 at Eureka, State Road 40 at Delks Bluff (Colbys Landing), State Road 464 at Moss Bluff, and State Road 42 at Starkes Ferry, and over Haines Creek on State Road 44 near Lisbon.

(b) *Bridges over Dead River*—(1) Bridge on State Road 500 near Tavares. [Revoked]

(c) The owner of or agency controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such a manner that they can easily be read at any time, copies of the regulations together with a notice stating exactly how the representatives specified in paragraph (a) of this section may be reached for opening the bridges.

[Regs., 25 May 1964, 1507-32 (Dead River, Fla.)—ENG CW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 64-5599; Filed, June 5, 1964; 8:45 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 11—Coast Guard, Department of the Treasury

[CGFR 64-34]

#### PART 11-1—GENERAL

##### Total Class Set-Asides

Pursuant to authority vested in me as Commandant, United States Coast Guard by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), supplementation of Subpart 1-1.7 of 41 CFR is hereby established under § 11-1.750.

##### § 11-1.750 Total class set-asides.

(a) In addition to the provisions of Subpart 1-1.7 of this title for total set-asides, the chief officer responsible for procurement on 27 June 1960 entered into a Joint Class Set-Aside for small business (Class Set-Aside No. USCG-C-1) providing that: All construction contracts for the construction, maintenance, or repair of shore structures within the United States, valued at \$200,000 or less, entered into by the various contracting officers of the U.S. Coast Guard, be limited to small business concerns, exception being made for those contract requirements wherein the contracting officer makes a written determination that there are less than three small business firms that are available to bid on the required work.

(b) A decision not to use Class Set-Aside USCG-C-1 due to a determination that there are less than three small business firms that are available to bid on the required work or any other reasons such as unreasonable cost as set forth in Subpart 1-1.7 of this title will be made with concurrence of the representative of the nearest SBA field office. Where concurrence of the SBA field office cannot be obtained and time permits, all the pertinent facts will be forwarded to the chief officer responsible for procurement for a decision and action as necessary. When time does not permit, procurement may be processed as provided for in § 1-1.706-2(a) (2) of this title.

(c) In procurements involving Class Set-Aside USCG-C-1, each invitation for bid or request for proposals shall contain the notice set forth in § 1-1.706-5(c) of this title changing the words "contracting officer" to "chief officer responsible for procurement." Synopsis for publicizing procurement actions will contain the provisions set forth in § 1-1.1003(b) (6) of this title. At the time of initial distribution, one complete set of the invitations for bid or request for proposals shall be forwarded to Small Business Administration (WPC), 1325 K Street NW., Washington, D.C., 20417. The face of all copies of the invitations for bids or requests for proposals will clearly and conspicuously indicate "Class Set-Aside USCG-C-1."

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: May 28, 1964.

[SEAL] E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 64-5613; Filed, June 5, 1964; 8:48 a.m.]

[CGFR 64-32]

#### PART 11-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

##### Subpart 11-5.3—Excess Personal Property

###### IMPLEMENTATION OF POLICY

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530), Subpart 1-5.3 41 CFR is implemented by the establishment of § 11-5.303.

##### § 11-5.303 Implementation of policy.

(a) Excess personal property will be utilized whenever practicable and feasible to fill procurement requirements by the Coast Guard.

(b) Utilization of excess personal property to fill the known requirements of valid procurement requests or other procurement contract requirements will be effected by direct request upon the holders of excess Government material unless otherwise provided for in other directives or excess listings. Appropriate accounting data and shipping information will be indicated on all requests for excess material. The procurement request or contract file will be documented accordingly and a request for decrease in the amount of funds obligated and/or a modification of the existing contract will be effected as necessary and appropriate.

(14 U.S.C. 633, 10 U.S.C. Ch. 137)

Dated: May 25, 1964.

[SEAL] E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 64-5614; Filed, June 5, 1964; 8:48 a.m.]

[CGFR 64-36]

#### PART 11-7—CONTRACT CLAUSES

##### Subpart 11-7.50—Clauses for Special Types of Procurement

Pursuant to authority vested in me as Commandant, U.S. Coast Guard by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530) Subpart 11-7.50, 41 CFR is hereby established under authority of 14 U.S.C. 633 and Chapter 137 of Title 10, U.S.C.

Sec.	
11-7.5000	Scope of subpart.
11-7.5001	Ship repair contracts.
11-7.5001-1	Performance.
11-7.5001-2	Inspection and manner of doing work.
11-7.5001-3	Guaranty.
11-7.5001-4	Liability and insurance.
11-7.5001-5	Price adjustments for suspension, delay or interruption of work.
11-7.5001-6	Delivery and shifting of vessel.
11-7.5001-7	Lay days.
11-7.5001-8	Government-furnished property.
11-7.5001-9	Department of Labor Safety and Health Regulations for Ship Repairing.

AUTHORITY: The provisions of this Subpart 11-7.50 issued under 14 U.S.C. 633; 10 U.S.C. Ch. 137.

##### § 11-7.5000 Scope of subpart.

This subpart sets forth policy and procedures covering the use of contract clauses in special types of procurement not covered in Part 1-7 of this title.

##### § 11-7.5001 Ship repair contracts.

Except as otherwise provided, the clauses set forth in § 11-7.5001 shall be used in fixed-price ship repair, alteration or conversion contracts in addition to those set forth in Subparts 1-7.1 of this title and 11-7.1.

##### § 11-7.5001-1 Performance.

###### PERFORMANCE

(a) The contractor shall make the necessary arrangements for receiving the vessel on the agreed date, such arrangements to be satisfactory to the contracting officer or his duly authorized representative.

(b) The contractor shall, as and when requested by the contracting officer, order materials, and equipment, prepare plans, commence necessary fabrication and perform other work and services in advance and in anticipation of the arrival of the vessel for repairs. In the event that, due to action of the government the anticipated repairs are not performed by the contractor, the contractor shall be reimbursed for the cost of all such preliminary work and expenditures in an amount to be agreed upon between the contractor and the contracting officer, the agreement reduced to a contract change order as provided under the changes clause of this contract. If such reimbursable cost cannot be agreed upon by negotiation, it shall be determined in accordance with the "Disputes" clause of the contract.

(c) The contractor shall promptly commence the work specified in the contract and shall diligently prosecute same to completion to the satisfaction of the contracting officer.

(d) Except as otherwise provided in this contract, the contractor shall furnish all necessary material, labor, services, equipment, supplies, power, accessories, facilities,

and such other things and services as are necessary for accomplishing the work specified in this contract subject to the right reserved in the government under the "Government-furnished Property" clause of the contract.

(e) The contractor shall without charge and without specific requirement therefore;

(i) Make available at the plant to personnel of the vessel while in drydock or on a marine railway, toilet and similar facilities acceptable to the contracting officer as adequate in number and sanitary standards.

(ii) Supply and maintain in such condition as the contracting officer may reasonably require, suitable brows and gangways from the pier, drydock or marine railway to the vessel.

(iii) Treat salvage, scrap, or other ship's material of the Government resulting from performance of work as though they were items of Government-furnished property in accordance with the provisions of the "Government-furnished Property" clause of this contract.

(iv) Perform, or pay the cost of, any repairs, reconditioning or replacements necessary as a result of the use by the contractor of any of the vessel's machinery, equipment or fittings, including, but not limited to, winches, pumps, rigging, or pipelines.

(f) The contractor shall conduct dock and sea trials of the vessel as required by the specifications. During such trials the vessel shall be under the control of the vessel's commander and crew with representatives of the contractor and the Government on board to determine whether or not the work done by the contractor has been satisfactorily performed. Dock and sea trials not specified herein which the contractor requires for his own benefit shall not be undertaken by the contractor without prior notice to and approval of the contracting officer; any such dock trials shall be conducted at the expense of the contractor, and any such sea trials shall be conducted at the risk and expense of the contractor.

#### § 11-7.5001-2 Inspection and manner of doing work.

##### INSPECTION AND MANNER OF DOING WORK

(a) All work and material shall be subject to the approval of the contracting officer or his duly authorized representative. Work shall be performed in accordance with the plans and specifications of this contract as modified by any change order issued under the "Changes" clause in this contract.

(b) Unless otherwise specifically provided for herein, all operational practices of the contractor and all workmanship and material, equipment and articles used in the performance of work thereunder shall be in accordance with American Bureau of Shipping Rules for Building and Classing Steel Vessels, U.S. Coast Guard Marine Engineering Regulations and Material Specifications (Subchapter F, 46 CFR), U.S. Coast Guard Electrical Engineering Regulations (Subchapter J, 46 CFR), U.S. Coast Guard Navigation and Vessel Inspection Circular No. 4-60 (Part IV—Notes on Repair), and U.S.P.H.S. Handbook on Sanitation in Vessel Construction, in effect at the time of the contractor's submission of bid (or acceptance of the contract, if negotiated), and the best commercial maritime practices except where Navy specifications are specified, in which case such standards of material and workmanship shall be followed. Where the detailed specifications do not require a Navy standard, and the requirements are not clearly or specifically covered by one of the aforementioned standards, the contracting officer or his designated representative shall prescribe a Navy or industrial standard for the work wherever applicable, and the decision shall be final, provided however, that where the requirements of the representative for,

development of detailed drawings, selection of materials and equipment, standards of workmanship, which are not specifically required in the specifications result in a change in unit price, total contract price, quantity, quality, or delivery schedule, the contracting officer will be advised accordingly and the contractor will not proceed with the work until specifically directed to do so by the contracting officer.

(c) No welder shall be permitted to work in connection with repairs, completion, alterations or additions to vessels unless he is at the time qualified by the U.S. Coast Guard, American Bureau of Shipping or Department of the Navy for the type of welding to be performed, and welders who have not within the preceding year passed a qualification test for the type of welding required may, at any time, if deemed necessary by the contracting officer be required to requalify. Qualifications of a welder for this purpose shall be as outlined in "Marine Engineering Regulations" of the United States Coast Guard, "Rules for Building and Classing Steel Vessels" of the American Bureau of Shipping, and the "MIL-STD 248A (Navy) of 17 June 1958" of the Department of the Navy. No welder shall be permitted to work on production applications of welding other than those for which he has qualified. Welding electrodes and welding technique used shall be satisfactory to the contracting officer.

(d) The contractor shall exercise reasonable care to protect the vessels from fire, and the contractor shall maintain a reasonable system of inspection over the activities of welders, burners, riveters, painters, plumbers and similar workers, particularly where such activities are undertaken in the vicinity of the vessel's magazines, fuel oil tanks or store-rooms containing inflammable materials. A reasonable number of hose lines shall be maintained by the contractor ready for immediate use on the vessel at all times while the vessel is berthed alongside the contractor's pier or in drydock or on a marine railway. All tanks under alteration or repair shall be cleaned, washed and steamed out or otherwise made safe by the contractor if and to the extent necessary, and the contracting officer shall be furnished with a "gas-free" or "safe-for-hot-work" certificate before any hot-work is done on a tank. Unless otherwise provided in this contract, the contractor shall at all times maintain a reasonable fire watch about the vessel, including a fire watch on the vessel while work is being performed thereon.

(e) The contractor shall place proper safeguards and/or effect such safety precautions as necessary, including suitable and sufficient lighting, for the prevention of accidents or injury to persons or property during the prosecution of work under this contract and/or from time of receipt of the vessel until acceptance of work performed by the government.

(f) Except as otherwise provided in this contract, when the vessel is in the custody of the contractor or in drydock or on a marine railway and the temperature becomes as low as 35° Fahrenheit, the contractor shall keep all pipelines, fixtures, traps, tanks, and other receptacles on the vessel drained to avoid damage from freezing, or if this is not practicable, the vessels shall be kept heated to prevent such damage. The vessel's stern tube and propeller hubs shall be protected from frost damage by applied heat through the use of a salamander or other proper means.

(g) The work shall, whenever practicable, be performed in such manner as not to interfere with the berthing and messing of civilian or military personnel attached to the vessel, and provisions shall be made so that personnel assigned shall have access to the vessel at all times, it being understood that such personnel will not interfere with the work or the contractor's workmen.

(h) The Government does not guarantee the correctness of the dimensions, sizes and

shapes given in any sketches, drawings, plans or specifications prepared or furnished by the Government. The contractor shall be responsible for the correctness of the shape, sizes, and dimensions of parts to be furnished hereunder, other than those furnished by the Government.

(i) The contractor shall at all times keep the site of the work on the vessel free from accumulation of waste material or rubbish caused by his employees or the work, and at the completion of the work shall remove all rubbish from and about the site of the work and shall leave the work in its immediate vicinity "broom clean," unless more exactly specified in this contract.

(j) Any question regarding or rising out of the interpretations of plans or specifications of this contract or any discrepancies between the plans and specifications shall be determined by the contracting officer or his duly authorized representative, provided however, that any interpretations or determinations by the authorized representative which effects the price or delivery time specified in this contract must be approved by the contracting officer prior to proceeding with the requirements of such interpretations or determinations.

(k) While in drydock or on a marine railway, the commanding officer of the vessel, if then in commission, shall be responsible for the proper closings of openings to the ship's bottom upon which no work is being done by the contractor. The contractor shall be responsible for the closing, before the end of working hours, of all valves and openings upon which work is being done by its workmen when such closing is practicable. The contractor shall keep the commanding officer cognizant of the closure status of all valves and openings upon which the contractor's workmen have been working.

#### § 11-7.5001-3 Guaranty.

(a) The clause set forth below is approved for use where general guaranty provisions are deemed desirable by the contracting officer, (for modifications see paragraph (b) of this section), in lieu of the Guaranty clause authorized in § 11-7.101-61.

##### GUARANTY

In case any work done or materials furnished by the contractor under this contract on or for any vessel or the equipment thereof shall, within 60 days from date of delivery of the vessel by the contractor, prove defective or deficient, such defects or deficiencies shall, as required by the Government, be corrected and repaired by the contractor or at his expense to the satisfaction of the contracting officer: *Provided, however,* That with respect to any individual work item incomplete at the delivery of the vessel the guarantee period shall run from the date of completion of such item. The Government shall, if and when practicable, afford the contractor an opportunity to effect such corrections and repairs himself, but when, because of conditions or the location of the vessel or for any other reason, it is impracticable or undesirable to return it to the contractor, or the contractor fails to proceed promptly with any such repairs as directed by the contracting officer, such corrections and repairs shall be effected at the contractor's expense at such other locations as the Government may determine. The contractor's liability under this clause shall, however, in no event extend beyond the correction of such defects or deficiencies or payment for the cost thereof: *Provided, however,* That nothing in this clause shall be deemed to limit or relieve the contractor of his responsibilities as set forth in the clause entitled "Indemnity and Insurance" and the clause entitled "Inspection" of this contract. At the option of the contracting officer, defects and deficiencies may be left in their

then condition, and an applicable deduction from the contract price, as agreed by the contractor and contracting officer, shall be made therefor. If the contractor and contracting officer fail to agree upon the equitable deduction from the contract price to be made, the dispute shall be determined as provided in the "Disputes" clause of this contract.

(b) When inspection and acceptance tests will afford full protection to the Government in ascertaining conformance to specification and the absence of defects and deficiencies, no guaranty provision for that purpose shall be included in the contract. In certain instances, the contracting officer may desire to include a provision in a contract for a guaranty period of more than 60 days. In such instances, where after full inquiry it has been determined that such longer guaranty periods will not involve increased costs to the Coast Guard, the longer guaranty period may be substituted for the 60 days specified in the guaranty clause. Where the full inquiry discloses that such longer guaranty periods will involve, or is reasonably expected to involve, increased cost to the Coast Guard, such fact, and the reason for the need of such longer period shall be set forth in letter form to the chief officer responsible for procurement, requesting approval for use of a guaranty period in excess of 60 days.

#### § 11-7.5001-4 Liability and insurance.

##### LIABILITY AND INSURANCE

(a) The contractor shall exercise reasonable care and use his best efforts to prevent accidents, injury or damage to all employees, persons and property, in and about the work, and to the vessel or part thereof upon which work is done.

(b) The contractor shall be responsible for and make good at his own cost and expense any and all loss or damage of whatsoever nature to the vessel (or part thereof), its equipment, movable stores and cargo, and Government-owned materials and equipment for the repair, completion, alteration or addition to the vessel in the possession of the contractor, whether at the plant or elsewhere, arising or growing out of the performance of the work, except where the contractor can affirmatively show that such loss or damage was due to causes beyond the contractor's control, was proximately caused by the fault or negligence of agents or employees of the Government acting within the scope of their authority, or which loss or damage the contractor by exercise of reasonable care was unable to prevent: *Provided*, That the contractor shall not be responsible for any such loss or damage discovered after redelivery of the vessel unless (i) such loss or damage is discovered within sixty (60) days after redelivery of the vessel and (ii) such loss or damage is affirmatively shown to have been the result of the fault or negligence of the contractor. To induce the contractor to perform the work for the compensation provided, it is specifically agreed that the contractor's aggregate liability on account of loss of or damage to the vessel (or part thereof), its equipment, movable stores, and cargo and said Government-owned materials and equipment shall in no event exceed the sum of \$300,000, and the Government assumes as to the contractor the risk of loss or damage (including, but not limited to, loss or damage from negligence of whatsoever degree of the contractor's servants, employees, agents or subcontractors but specifically excluding loss or damage from willful misconduct or lack of good faith on the part of any of the contractor's directors, officers and

any of his managers, superintendents or other equivalent representatives who have supervision or direction of (i) all or substantially all of the contractor's business or (ii) all or substantially all of the contractor's operation at any one plant) to the vessel (or part thereof), its equipment, movable stores and cargo and said Government-owned materials and equipment in excess of \$300,000: *Provided, however*, That as to such risk assumed and borne by the Government, the Government shall be subrogated to any claim, demand or cause of action against third persons which exists in favor of the contractor, and the contractor shall, if required, execute a formal assignment or transfer of claims, demands or causes of action: *Provided, further*, That nothing contained in this paragraph shall create or give rise to any right, privilege or power in any person except the contractor, nor shall any person (except the contractor) be or become entitled thereby to proceed directly against the Government, or join the Government as a codefendant in any action against the contractor brought to determine the contractor's liability or for any other purpose.

(c) The contractor indemnifies and holds harmless the Government, its agencies and instrumentalities, the vessel and its owners, against all suits, actions, claims, costs, or demands (including, without limitation, suits, actions, claims, costs, or demands resulting from death, personal injury, and property damage) to which the Government, its agencies and instrumentalities, the vessel or its owner may be subject or put by reason of damage or injury (including death) to the property or person of any one other than the Government, its agencies, instrumentalities and personnel, the vessel or its owner, arising or resulting in whole or in part from the fault, negligence, wrongful act or wrongful omission of the contractor, or any subcontractor, his or their servants, agents or employees: *Provided*, That the contractor's obligation to indemnify under this paragraph (c) shall not exceed the sum of \$300,000 on account of any one accident or occurrence in respect of any one vessel. Such indemnity shall include, without limitation, suits, actions, claims, costs or demands of any kind whatsoever, resulting from death, personal injury or property damage occurring during the period of performance of work on the vessel or within 60 days after redelivery of the vessel; and with respect to any such suits, actions, claims, costs, or demands resulting from death, personal injury or property damage occurring after the expiration of such period, the rights and liabilities of the Government and the contractor shall be as determined by other provisions of this contract and by law: *Provided however*, That such indemnity shall apply to death occurring after such period which results from any personal injury received during the period covered by the contractor's indemnity as provided herein.

(d) The contractor shall, at his own expense, procure, and thereafter maintain such casualty, accident and liability insurance, in such forms and amounts as may be approved by the contracting officer, insuring the performance of his obligations under paragraph (c) of this clause. In addition, the contractor shall at his own expense procure and thereafter maintain such ship repairer's legal liability insurance as may be necessary to insure the contractor against his liability as ship repairer in the amount of \$300,000 or the value of the vessel as determined by the contracting officer, whichever is the lesser, with respect to each vessel on which work is performed: *Provided*, That, in the discretion of the contracting officer, no such insurance need be procured whenever the contract requires work on parts of a vessel only and such work is to be performed at a plant other than the site of the vessel. Further, the contractor shall pro-

cure and maintain in force Workmen's Compensation Insurance (or its equivalent) covering his employees engaged on the work and shall insure the procurement and maintenance of such insurance by all subcontractors engaged on the work. The contractor shall provide such evidence of such insurance as may be, from time to time, required by the contracting officer.

(e) No allowance shall be made the contractor in the contract price for the inclusion of any premium expense or charge for any reserve made on account of self insurance for coverage against any risk assumed by the Government under this clause.

(f) As soon as practicable after the occurrence of any loss or damage the risk of which the Government has assumed, written notice of such loss or damage shall be given by the contractor to the contracting officer, which notice shall contain full particulars of such loss or damage. If claim is made or suit is brought thereafter against the contractor as the result or because of such event, the contractor shall immediately deliver to the Government every demand, notice, summons or other process received by him or his representatives. The contractor shall cooperate with the Government and, upon the Government's request, shall assist in effecting settlements, securing and giving evidence, obtaining the attendance of witnesses and in the conduct of suits; and the Government shall pay to the contractor the expense, other than the cost of maintaining the contractor's usual organization, incurred in so doing. The contractor shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expense other than shall be imperative for the protection of the vessel or vessels at the time of said occurrence of such event.

(g) The value of the Coast Guard vessel(s) covered by this contract for indemnity and insurance purposes is as follows:

Vessel	Valuation
--------	-----------

#### § 11-7.5001-5 Price adjustments for suspension, delay or interruption of work.

Insert clause set forth in section 1-7.602-1 of this title under the conditions and in the manner prescribed therein.

#### § 11-7.5001-6 Delivery and shifting of vessel.

##### DELIVERY AND SHIFTING OF VESSEL

The vessel will be delivered to the contractor at his place of business and removed therefrom, upon completion of all work, by the Government: *Provided however*, That the contractor will provide upon 24 hours advance notice a tug or tugs and docking pilot, acceptable to the Commanding Officer of the vessel, to assist in handling the ship between (to and from), the manufacturer's plant and the nearest point in a waterway regularly navigated by vessels of equal or greater draft and length. While the vessel is in the hands of the contractor, any necessary towage, cartage, or other transportation between ship and shop or elsewhere, which may be incident to the work herein specified, shall be furnished by the contractor without additional charge to the Government.

#### § 11-7.5001-7 Lay days.

##### LAY DAYS

(a) It is understood and agreed that no cost for lay days shall be assessed against the Government until all accepted items of basic contract for which a fixed-price was established by the contractor and for which docking of the vessel was required for accomplishment have been completed to the satisfaction of the Government.

(b) It is understood and agreed that days of hauling out and floating, whatever the

hour, shall not be counted as lay days, and that days when no work is performed by the contractor shall not be counted as lay days. Lay days will be paid by the Government when the vessel remains on the dry dock or marine railway by contract change order involving work in addition to the basic contract.

**§ 11-7.5001-8 Government - furnished property.**

Insert the Government-Furnished Property clause set forth below in lieu of clause authorized in § 11-7.101-53.

**GOVERNMENT-FURNISHED PROPERTY**

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in this contract or specifications for the repair, completion, alteration or addition to the vessel together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"): *Provided, however,* That the vessel, its equipment, moveable stores, cargo, or other ship's material shall not be Government-furnished Property. The delivery or performance dates for the supplies or services to be furnished by the Contractor under the job order are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned by the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided for under the "Changes" clause of this contract. In the event the Government-furnished Property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs or modifications. Upon the completion of (1) or (2) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the rejection or disposition, or the repair or modification, in accordance with the procedures provided for in the "Changes" clause of this contract. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may increase or decrease the property furnished or to be furnished by the Government under this contract. In any case, the Contracting Officer upon the written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provisions affected by the increase or decrease, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) Title to the Government-furnished Property shall remain in the Government.

Title to Government-furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished Property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty. The Contractor shall comply with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (Appendix B, Armed Services Procurement Regulation) as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract.

(d) The Government-furnished Property shall, unless otherwise provided in this contract, be used only for the performance of the work in connection with this contract.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government-furnished Property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished Property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished Property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(f) The Contractor, upon delivery to him of any Government-furnished Property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto to the extent and as provided in the "Liability and Insurance" clause of this contract.

(g) The Government shall at all reasonable times have access to the premises wherein any Government-furnished Property is located.

(h) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished Property not consumed in the performance of work in this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished Property, as may be directed by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct. Any salvage, scrap or other ship's material of the Government resulting from the performance of the work, which in accordance with paragraph (e) (iii) of the "Performance" clause of this contract are to be treated as though they were items of Government-furnished Property, to the extent specified by the Contracting Officer shall be stored in the Plant for a period not exceeding 60 days from the redelivery of the vessel. Thereafter, the storage of such salvage, scrap and other ship's material resulting from the performance of the work shall be subject to an equitable adjustment in the price of this contract in accordance with the procedures provided for in the "Changes" clause of this contract.

(i) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

**§ 11-7.5001-9 Department of Labor Safety and Health Regulations for Ship Repairing.**

**DEPARTMENT OF LABOR SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING**

Attention of the Contractor is directed to Public Law 85-742, approved August 23, 1958 (72 Stat. 835, 33 U.S.C. 941), amending section 41 of the Longshoremen's and Harbor Workers' Compensation Act and to the Safety and Health Regulations for Ship Repairing promulgated thereunder by the Secretary of Labor (29 C.F.R., Subtitle A, Part 8). These regulations apply to all ship repair and related work, as defined in the regulations, performed under this contract on the navigable waters of the United States including any drydock or marine railway. Nothing contained in this contract or any job order thereunder shall be construed as relieving the Contractor from any obligations which it may have for compliance with the aforesaid regulations.

Dated: May 25, 1964.

[SEAL] E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 64-5615; Filed, June 5, 1964;  
8:48 a.m.]

**Title 46—SHIPPING**

**Chapter I—Coast Guard, Department of the Treasury**

[CGFR 64-30]

**SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES**

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 30, 1964 (29 F.R. 1572-1586), and the Merchant Marine Council Public Hearing Agenda, dated March 23, 1964 (CG-249), the Merchant Marine Council held a public hearing on March 23, 1964, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items I to XVI, inclusive. Item VIIa contained proposals regarding special purpose water safety buoyant devices (CG-249, VIIa, pages 78 through 86, inclusive). In line with actions taken at the Public Hearing, changes were made in the proposals identified as 46 CFR 2.75-30(c) (2), 25.25-5(h), 25.25-10(b), 160.064-3(c), (d), 160.064-4(a), 160.064-6(a), and 180.05-5.

The principal change in the proposals limits the use of approved special purpose water safety buoyant devices as lifesaving equipment to motorboats of Classes A, 1, and 2 not carrying passengers for hire. Such approved devices may be carried as excess on motorboats carrying passengers for hire and motorboats of Class 3. The proposals in Item VIIa in the Agenda, as revised, are adopted and set forth in this document, which is the sixth of a series covering the proposals considered by the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast

Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521), as well as by the specific laws cited with the requirements below, the following regulations and amendments are prescribed and shall become effective July 1, 1964:

**SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC**

**PART 2—VESSEL INSPECTIONS**

**Subpart 2.75—Approvals of Safety Equipment, Materials and Installations, and Qualifications for Construction Personnel**

Subpart 2.75 is amended by inserting after § 2.75-25 a new § 2.75-30 reading as follows:

**§ 2.75-30 Special purpose water safety buoyant devices.**

(a) The special purpose water safety buoyant devices listed and bearing the combination "Laboratory/USCG" labels issued by a recognized laboratory, as provided in Subpart 160.064 of Part 160 of Subchapter Q (Specifications) of this chapter, will be accepted as approved for the designated use on all motorboats and small passenger vessels, and for general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire, whenever so provided by the regulations in this chapter.

(b) The procedures for manufacturers to follow and the requirements governing special purpose water safety buoyant devices to qualify for being listed and labeled with the combination "Laboratory/USCG" labels are set forth in Subpart 160.064 of Part 160 of Subchapter Q (Specifications) of this chapter.

(c) The procedures for a laboratory to qualify as a "recognized laboratory" and to be listed in § 160.064-5 of Subchapter Q (Specifications) of this chapter are as follows:

(1) The laboratory shall submit an informal application in writing on its usual letterhead paper to the Commandant (MMT), United States Coast Guard, Washington, D.C., 20226, requesting recognition and listing as a recognized laboratory.

(2) Accompanying the informal application, as identified enclosures, shall be:

(i) A certification that it has been exempted from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 as an organization organized and operated exclusively for testing for public safety.

(ii) A certification that it has an established factory inspection, listing, and labeling program together with a complete description of it and how it works.

(iii) A description of the facilities used in the examination, testing, and evaluation of special purpose water safety buoyant devices, together with the name of the facilities (if different from that of the submitter), and location (city, street, and state).

(iv) A list of names and home and office addresses of its principal officers, and the managing directors (if any).

(v) Copies of its special standards for listing and labeling special purpose water safety buoyant devices using the combination "Laboratory/USCG" label, as contemplated by 46 CFR Subpart 160.064 of Part 160 of Subchapter Q (Specifications) of this chapter.

(3) If the Commandant finds that a laboratory qualifies as a "recognized laboratory", and it is subject to Coast Guard jurisdiction, the approval and listing will be published in the FEDERAL REGISTER and will be in effect until suspended, canceled or terminated by proper authority. The failure of a recognized laboratory to maintain its established factory inspection, listing and labeling program as approved by the Commandant shall be cause for terminating a listing as a "recognized laboratory".

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4426, as amended, 4488, as amended, 4491, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 70 Stat. 152, and sec. 3, 60 Stat. 238, 46 U.S.C. 404, 481, 489, 526e, 526p, 390b, 5 U.S.C. 1002. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-20, June 18, 1956, 21 F.R. 4894; 167-38, October 26, 1959, 24 F.R. 8857)

**SUBCHAPTER C—UNINSPECTED VESSELS**

**PART 25—REQUIREMENTS**

**Subpart 25.25—Life Preservers and Other Lifesaving Equipment**

1. Section 25.25-5 is amended by adding at the end thereof a new paragraph (h) reading as follows:

**§ 25.25-5 General provisions.**

(h) Special purpose water safety buoyant devices (such as water ski vests, hunters buoyant jackets, etc.), in order to be of approved type, shall be constructed, listed and labeled in accordance with Subpart 160.064 of Subchapter Q (Specifications) of this chapter.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Interpret or apply sec. 6, 54 Stat. 164, as amended; 46 U.S.C. 526e. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

2. Section 25.25-10(b) is amended by revising subparagraphs (1), (2), and (5) to read as follows:

**§ 25.25-10 Life preservers and other lifesaving equipment required.**

(b) \* \* \*

(1) Motorboats which carry passengers for hire shall be provided with an approved adult type life preserver for each person carried. In addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried. Such motorboats may carry special purpose water safety buoyant devices of approved type as excess equipment.

(2) Motorboats of Class 3 not carrying passengers for hire shall carry an approved life preserver or ring life buoy for

each person on board. Such motorboats may carry special purpose water safety buoyant devices of approved type as excess equipment.

(5) All other motorboats not otherwise specifically provided for shall carry an approved life preserver, ring life buoy, buoyant vest, special purpose water safety buoyant device, or buoyant cushion for each person on board.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Interpret or apply R.S. 4426, as amended, sec. 6, 54 Stat. 164, as amended; 46 U.S.C. 404, 526e. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

**SUBCHAPTER Q—SPECIFICATIONS**

**PART 160—LIFESAVING EQUIPMENT**

**Subpart 160.064—Special Purpose Water Safety Buoyant Devices for Designated Use on All Motorboats and for General Use on Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire**

1. Part 160 is amended by adding at the end thereof a new Subpart 160.064, consisting of §§ 160.064-1 to 160.064-9, inclusive, reading as follows:

Sec.	
160.064-1	Applicable specifications.
160.064-2	Types and models.
160.064-3	Requirements.
160.064-4	Marking.
160.064-5	Recognized laboratory.
160.064-6	Examinations, tests and inspections.
160.064-7	Procedure for listing and labeling.
160.064-8	Termination of listing and labeling.
160.064-9	Penalties.

**AUTHORITY:** The provisions of this Subpart 160.064 issued under R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4426, as amended, 4488, as amended, 4491, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 404, 481, 489, 526e, 526p, 390b. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-20, June 18, 1956, 21 F.R. 4894; 167-38, October 26, 1959, 24 F.R. 8857.

**§ 160.064-1 Applicable specifications.**

(a) *Specifications.* There are no other Coast Guard specifications applicable to this subpart.

**§ 160.064-2 Types and models.**

(a) *Types.* Special purpose water safety buoyant devices covered by this subpart shall be of two general types, viz, those intended to be worn on the body, and those intended for grasping by a person in water.

(b) *Models.* Special purpose water safety buoyant devices may be of different models which incorporate characteristics considered valuable for safety in various fields of water sports or boating activities.

(c) *Sizes.* Special purpose water safety buoyant devices designed to be worn shall be of sizes suitable for adults or children as intended and marked on the device. Special purpose buoyant devices designed for grasping by a person

in water shall be of a minimum size intended for adults.

#### § 160.064-3 Requirements.

(a) *General.* Every special purpose water safety buoyant device shall conform to the requirements as accepted by the Commandant for listing and labeling by a recognized laboratory, and shall be of such design, materials, and construction as to meet the requirements specified in this section.

(b) *Designs and constructions.* Special purpose buoyant devices shall be of designs suitable for the purposes intended. A design intended to be worn on the body shall be capable of being adjusted and secured to fit the range of wearers for which designed with as few fastenings or adjustments as are consistent with the purpose of the device. Designs may be varied, but shall not provide means intended for fastening or securing the device to a boat. The arrangement of the buoyancy of devices intended to be worn on the body shall provide for flotation of the wearer in an upright, slightly backward position in the water to as great a degree as is consistent with the special purpose intended, and in no case shall the device have a tendency to turn the wearer face downward in the water. Devices intended for grasping shall not provide means for adjustment or close fitting to the body. Methods of construction shall provide strengths, with reinforcements where necessary, to be adequate for the intended use and purpose of the device.

(c) *Materials.* All materials used in any device covered by this subpart shall be all new materials and shall be suitable for the purpose intended and shall be at least equivalent to corresponding materials specified for standard buoyant vests or buoyant cushions. Hardware or fastenings shall be of sufficient strength for the purpose of the device and shall be of inherently corrosion-resistant material, such as stainless steel, brass, bronze, certain plastics, etc. Decorative platings of any thickness are permissible. Fabrics, coated fabrics, tapes, webbing, and thread shall be selected with a view to the purposes of the device and shall be either mildew resistant or treated for mildew resistance. Buoyancy shall be provided by inherently buoyant material and shall not be dependent upon loose, granulated material, gas compartments or inflation. So long as the minimum required buoyancy is provided by inherently buoyant material, the use of supplementary gas compartments, or inflation, will be permitted to supply additional buoyancy.

(d) *Buoyancy.* Special purpose buoyant devices intended to be worn on the body shall have not less than 15½ pounds of buoyancy for an adult device, 11 pounds buoyancy for a child medium device, or 7 pounds buoyancy for a child small device. Special purpose buoyant devices intended for grasping by a person in the water shall have not less than 20 pounds buoyancy. The above values shall be after submergence for not less than 24 continuous hours of the buoyancy means or the complete unit, whichever is less. Preapproval buoyancy tests

shall be made on both the complete unit and the buoyancy means alone. Production check tests may be made on the buoyancy means alone. This buoyancy shall exceed the above values as necessary to provide the minimum buoyancy required for the complete unit.

(e) *Workmanship.* Special purpose buoyant devices covered by this subpart shall be of first class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

#### § 160.064-4 Marking.

(a) *General.* In addition to that information required by the recognized laboratory, the following information and special markings shall be included:

(1) *Devices intended to be worn on the body.* The marking shall contain the following:

(i) The special purpose for which the device is intended.

(ii) The size, or weight groups for which the device is designed, and the instructions as necessary for use and maintenance.

(iii) The name of the recognized laboratory and approval number, such as "USCG Approval No. E25/160.064/xxx/x".

(iv) The wording: "Approved for general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire and accepted as excess equipment on all other motorboats."

(v) The name and address of manufacturer or distributor.

(2) *Devices intended for grasping.* The marking shall contain the following:

(i) The special purpose for which the device is intended.

(ii) Instructions as necessary for use and maintenance.

(iii) The wording: "Warning Do Not Wear on Back."

(iv) The name of the recognized laboratory and approval number, such as "USCG Approval No. E25/160.064/xxx/x".

(v) The wording: "Approved for general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire and accepted as excess equipment on all other motorboats."

(vi) The name and address of the manufacturer or distributor.

(b) *Durability of marking.* Marking shall be of a type which will be durable and legible for the expected life of the device.

#### § 160.064-5 Recognized laboratory.

(a) A recognized laboratory is one which is operated as a nonprofit public service and is regularly engaged in the examination, testing, and evaluation as to the safety of materials installations, and devices used aboard motorboats; which has an established factory inspection, listing and labeling program; and which has standards for evaluating, listing and labeling special purpose water safety buoyant devices which are acceptable to the Commandant. The following laboratories are recognized:

(1) Yacht Safety Bureau, 336 Old Hook Road, Westwood, N.J.

(b) A special purpose water safety buoyant device is approved when it bears

a combination "Laboratory/USCG" listing and labeling number issued by a recognized laboratory listed in this section. The approval of such a device is limited to use as follows:

(1) For the use designated on the label on or with all motorboats and small passenger vessels not more than 65 feet in length subject to the provisions of Subchapter C (Uninspected Vessels) and Subchapter T (Small Passenger Vessels) of this chapter; and

(2) For general use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

#### § 160.064-6 Examinations, tests and inspections.

(a) *Manufacturer's inspection and tests.* Manufacturers of listed and labeled special purpose water safety buoyant devices shall maintain quality control of the materials used, manufacturing methods and the finished product so as to meet the applicable requirements, and shall make sufficient inspections and tests of representative samples and components produced to maintain the quality of the finished product. Records of tests conducted by the manufacturer and records of materials, including affidavits by suppliers that applicable requirements are met, entering into construction shall be made available to the recognized laboratory inspector or to the Coast Guard marine inspector, or both, for review upon request.

(b) *Laboratory inspections and tests.* Such examinations, inspections and tests as are required by the recognized laboratory for listed and labeled devices produced will be conducted by the laboratory inspector at the place of manufacture or other location at the option of the laboratory.

(c) *Test facilities.* The laboratory inspector, or the Coast Guard marine inspector assigned by the Commander of the District in which the factory is located, or both, shall be admitted to any place in the factory where work is being done on listed and labeled products, and either or both inspectors may take samples of parts or materials entering into construction or final assemblies, for further examinations, inspections, or tests. The manufacturer shall provide a suitable place and the apparatus necessary for the performance of the tests which are done at the place of manufacture.

(d) *Additional tests, etc.* Unannounced examinations, tests, and inspections of samples obtained either directly from the manufacturer or through commercial channels may be made to determine the suitability of a product for listing and labeling, or to determine conformance of a labeled product to the applicable requirements. These may be conducted by the recognized laboratory or the United States Coast Guard.

#### § 160.064-7 Procedure for listing and labeling.

(a) Manufacturers having a special purpose water safety buoyant device which they consider has characteristics particularly valuable for a special purpose and also is suitable for general use on motorboats of Classes A, 1, or 2 not

carrying passengers for hire may make application for listing and labeling of such product as a special purpose water safety buoyant device for the activity specified by addressing a request directly to a recognized laboratory. The laboratory will inform the submitter as to the requirements for inspection, examinations, and testing necessary for such listing and labeling. The Coast Guard or the laboratory may make tests in addition to those specified in any specifications or standards to determine if the device is actually suited for the purpose intended. The costs in connection with the examinations, tests, inspections, listing and labeling shall be the same for all manufacturers for the same or similar services and are to be borne by the manufacturer.

#### § 160.064-8 Termination of listing and labeling.

(a) Listing and labeling as a special purpose water safety buoyant device acceptable to the Commandant as approved may be terminated, withdrawn, cancelled, or suspended by written notice to the recognized laboratory from the Commandant, or by written notice to the manufacturer from the recognized laboratory or from the Commandant.

(b) The condition which may be the cause for termination of listing and labeling may be any of the following:

(1) When the manufacturer does not desire to retain the service.

(2) When the listed product is no longer being manufactured.

(3) When the manufacturer's own program does not provide suitable assurance of the quality of the listed and labeled product being manufactured.

(4) When the product manufactured no longer conforms to the current applicable requirements of the Coast Guard and the recognized laboratory.

(5) When service experience or laboratory or U.S. Coast Guard reports indicate a product is unsatisfactory or does not accomplish its designated special purpose.

#### § 160.064-9 Penalties.

(a) All violations of the conditions for listing and labeling by a recognized laboratory are subject to the same penalties as violations of the conditions for U.S. Coast Guard approval provided by other subparts of this subchapter.

#### SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

### PART 180—LIFESAVING EQUIPMENT

#### Subpart 180.05—General Provisions Pertaining to Lifesaving Equipment

Section 180.05-5 is amended to read as follows:

#### § 180.05-5 Equipment installed but not required.

(a) *S and L.* Except as further modified in this section, where items of lifesaving equipment are not required, but are installed, such equipment and its installation shall meet the requirements of

this part. However, the Commandant may, after suitable investigations and tests, accept lifesaving devices in excess of those required, which are of a type not contemplated by the regulations in this part, if the safety of those on board is improved thereby.

(b) *S.* Special purpose water safety buoyant devices (such as water ski vests, hunter's buoyant jackets, etc.), in order to be of an approved type, shall be constructed, listed and labeled in accordance with Subpart 160.064 of Subchapter Q (Specifications) of this chapter. Small passenger vessels may carry special purpose water safety buoyant devices of approved type as excess equipment.

(R.S. 4405, as amended, 4462, as amended, sec. 3, 70 Stat. 152; 46 U.S.C. 375, 416, 390b. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4453, as amended, 4488, as amended, 4491, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended; 46 U.S.C. 391, 392, 399, 404, 435, 481, 489, 526e, 526p. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-20, June 18, 1956, 21 F.R. 4894; CGFR 56-28, July 24, 1956, 21 F.R. 6559; 167-38, October 26, 1959, 24 F.R. 8857)

Dated: May 28, 1964.

[SEAL] E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 64-5616; Filed, June 5, 1964;  
8:49 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

##### Table of Frequency Allocations

In the matter of editorial amendment of § 2.106, rules and regulations.

The Commission having under consideration its report and order in Docket No. 15131 (FCC 64-221; 29 F.R. 3703, March 25, 1964), and footnote NG49 to § 2.106 of the rules and regulations, which was amended therein; and

It appearing, that the Report and Order made 30 frequencies in the bands 72-73 and 75.4-76 Mc/s available for low power mobile operations in the manufacturers radio service, subject to the condition that interference not be caused to the reception of television stations operating on channels 4 and 5; and

It further appearing, that the condition was included in new § 91.729(d) (3), but inadvertently omitted from new footnote NG49 to § 2.106 of the rules and regulations; and

It further appearing, that footnote NG49 to § 2.106 should be amended to show the intended condition; and

It further appearing, that the amendment herein is based upon appropriate rule making proceedings in Docket No. 15131, that the amendment herein is editorial, and hence that the notice and effective date provisions of section 4 of

the Administrative Procedure Act are inapplicable; and

It further appearing, that authority for the amendment herein is contained in sections 4(i), 5(d), and 303 (b), (f), and (r) of the Communications Act of 1934, as amended, and § 0.261(a) of the rules and regulations;

It is ordered, This 2d day of June, 1964, that footnote NG49 to § 2.106 of the Commission's rules and regulations is amended, effective June 10, 1964, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: June 3, 1964.

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

1. In the list of footnotes following the Table of Frequency Allocations in § 2.106, footnote NG49 is amended to read as follows:

#### § 2.106 Table of frequency allocations.

NG49 The frequencies 72.02, 72.04, 72.06, 72.08, 72.10, 72.12, 72.14, 72.16, 72.18, 72.20, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.34, 72.36, 72.38, 72.40, 72.44, 72.48, 72.52, 72.56, 72.60, 75.44, 75.48, 75.52, 75.56, and 75.60 Mc/s, may be authorized for low powered (1 watt input) mobile operations in the manufacturers radio service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5.

[F.R. Doc. 64-5626; Filed, June 5, 1964;  
8:50 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER B—CARRIER BY MOTOR VEHICLE

[Ex Parte No. MC-19]

#### PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

##### Definitions

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of May A.D. 1964.

It appearing, that a notice of proposed rule making, dated July 15, 1957, and published at 22 F.R. 6065 on August 1, 1957, was issued in the above-entitled proceeding, contemplating modification of § 176.1 (49 CFR 176.1) of the regulations, established in 17 M.C.C. 467, regarding the operations of motor common carriers of household goods;

It further appearing, that on June 19, 1961, the Commission made and filed its report and order in the above-entitled proceeding (86 M.C.C. 293), adopting certain additions to section 176.1 of said regulations;

It further appearing, that pursuant to the decision and order of the U.S. District

Court in *Movers Conference of America v. United States*, 205 F. Supp. 82, the Commission was enjoined from enforcing its order of June 19, 1961;

It further appearing, that the Commission entered its order of April 24, 1962, vacating and setting aside its order of June 19, 1961, and reopening the above-entitled proceeding for further consideration;

And it further appearing, that upon further consideration of the record in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, of the representations filed pursuant to said notice of proposed rule making, and of the above-cited district court's decision and order, the Commission, on the date hereof, has made and filed a report on further consideration herein, setting forth the bases for its conclusions and findings therein, which report and the prior reports in 17 M.C.C. 467, 53 M.C.C. 177, and 86 M.C.C. 293 are hereby referred to and made a part hereof:

It is ordered, That § 176.1 of the said regulations be, and it is hereby, revised so as to read as follows:

#### § 176.1 Definitions.

As used in this part:

(a) *Household goods*. The term "household goods" means (1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; (2) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and (3) articles, includ-

ing objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

(b) *Interpretation of the definition in paragraph (a) of this section.* (1) Paragraph (a) (1) shall be construed to include property transported as an incident of a move by a householder from one dwelling to another, and property transported (i) from location in the dwelling of one householder to a location in the dwelling of another householder in connection with a gift, sale, or administration of an estate, (ii) between the dwelling of a householder and a repair or storage facility, and (iii) from the dwelling of a householder to an auction house or other place of sale; but shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of the householder and as an incident of a move by the householder from one dwelling to another.

(2) Paragraph (a) (2) shall be construed to include the commodities mentioned therein when transported pursuant to the removal of the establishment, or a portion thereof, from one location to another, and used furniture, used fixtures, and used equipment of stores, offices, museums, institutions, hospitals, or other establishments transported (i) from location in one branch of an establishment to location in another branch of that establishment, (ii) from location in one establishment not regularly engaged in the sale, lease, or rental of such property to another establishment, and

(iii) between location in an establishment and a repair or storage facility; but shall not be construed to include stock-in-trade of any establishment except when transported as an incident to the removal of the establishment, or a portion thereof, from one location to another.

(3) Paragraph (a) (3) shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

(c) *Other terms.* Where any other terms used in these rules are defined in section 203(a) of Part II of the Interstate Commerce Act, such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203(a), they shall have the ordinary, practical meaning of such terms.

It is further ordered, That the rule herein prescribed be, and it is hereby, set to become effective on July 20, 1964.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 Stat. 546, as amended, 49 U.S.C. 304. Interpret or apply 49 Stat. 558, as amended, 49 U.S.C. 316; 49 Stat. 560, as amended, 49 U.S.C. 317)

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-5611; Filed, June 5, 1964; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF COMMERCE

Maritime Administration

[ 46 CFR Part 290 ]

### CONSTRUCTION-DIFFERENTIAL SUBSIDY CONTRACTS

#### Proposed Revision of Policy

The Maritime Subsidy Board is considering the revision of the "Article — Sale or Transfer of the Vessels by the Owner" now appearing in each construction-differential subsidy contract. The present article requires only that the owner secure the agreement of the buyer or transferee that he will be bound by all of the requirements of the construction-differential subsidy contract, and the owner is not released from his obligations after the sale unless the Maritime Subsidy Board consents to the sale and agrees to release the owner.

If it is decided to revise the article it would then read as follows:

**ARTICLE — Sale or Transfer of the Vessels by the Owner.** (a) The owner shall not sell or transfer any of the vessels, without the prior approval of the Board and only to a purchaser or transferee who is a citizen of the United States and who is determined by the Board to possess the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain such vessel. Such Board approval shall not become effective until the Board has received an agreement, in the form required by the Board, binding the purchaser or transferee to perform all provisions of this contract as to the purchased or transferred vessel.

(b) No sale or transfer of any of the vessels by the owner shall release the owner from any of its obligations under this contract, unless the Board consents to such sale or transfer and agrees to the release of the owner.

There has been prepared by the Maritime Subsidy Board a statement setting forth the reasons for the revision under consideration. The statement may be obtained upon oral or written request to the Secretary of the Board.

Interested persons may submit 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 June 30, 1964. The Maritime Subsidy Board will consider such written views or comments and take such action with respect thereto as in its discretion it then deems warranted.

Dated: June 2, 1964.

By order of the Maritime Administrator/Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 64-5612; Filed, June 5, 1964;  
8:48 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 15 ]

### FLOUR, DURUM FLOUR, WHOLE WHEAT FLOUR

#### Proposed Standards of Identity To Provide for Increases in Malted Barley Flour Content and in Granulation Size of Flour Particles

Notice is given that the Millers' National Federation, Chicago, Ill., has filed a petition proposing that the standards of identity for flour and whole wheat flour (21 CFR 15.1, 15.80) be amended to increase the proportion of malted barley flour that may be used from the present 0.25 percent to 0.75 percent, and, in the case of whole wheat flour, to delete the present maximum limit of 0.5 percent on the malted wheat flour. The petition also proposes to amend the standards for flour and durum flour (21 CFR 15.1, 15.40) to permit a coarser granulation and to prescribe testing methods.

Grounds set out in support of the portion of the petition concerning the increase in malted barley content are that most of the wheat grown and currently being milled in the United States has insufficient enzymatic activity. Raising the permitted level of malted barley flour to 0.75 percent will provide a means for obtaining the proper enzymatic activity. In regard to amending the granulation specifications of the standards for flour and durum flour, the petitioner states that the advent of new baking processes has caused a modification in the grinding practices of some mills. Many mills are milling a somewhat coarser flour than in former times, because it has been found that the close grinding of flour to meet the present granulation specification has resulted in a flour with a high level of starch damage. This results in less tolerance in dough handling and a poor loaf volume. It is stated that when the high-speed mixers and the higher temperatures common to the new continuous dough processes are used, a flour ground to meet the provisions of the present standards has inferior baking characteristics.

The proposals as set out in the petition are as follows:

1. It is proposed to amend § 15.1 by changing the first two sentences of paragraph (a) to read as set forth below and by adding to paragraph (c) a new subparagraph (4), as follows:

§ 15.1 Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.

(a) Flour, white flour, wheat flour, plain flour is the food prepared by grind-

ing and bolting cleaned wheat other than durum wheat and red durum wheat. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.75 percent. When tested for granulation as prescribed in paragraph (c) (4) of this section, not less than 98 percent of the flour must pass through a cloth having openings not larger than those of woven wire cloth designated "210 micron (No. 70)" in Table I of "Standard Specification for Sieves," published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. \* \* \*

(c) \* \* \*

(4) Granulation is determined as follows: Use No. 70 sieve complying with specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards. Attach bottom pan to sieve in Ro-Tap sifter. Place half of a rubber ball or other sieving aid in the sieve. Pour 100 grams of the sample in the sieve and turn on the Ro-Tap sifter with knocker. Sift exactly 5 minutes. Weigh the residue on the No. 70 sieve and convert to percentage.

#### § 15.40 [Amended]

2. It is proposed to amend § 15.40 Durum flour as follows:

a. By changing the second sentence of paragraph (a) to read: "When tested for granulation as prescribed in § 15.1(c) (4), not less than 98 percent of such flour must pass through a cloth having openings not larger than those of woven wire cloth designated '210 micron (No. 70)' in Table I of 'Standard Specifications for Sieves,' published March 1, 1940, in L.C. 584 of the United States Department of Commerce, National Bureau of Standards."

b. By changing paragraph (b) to read as follows:

(b) For the purpose of this section, ash, moisture, and granulation are determined by the methods therefor referred to in § 15.1(c).

3. It is proposed to amend § 15.80 by changing the third sentence of paragraph (a) to read: "To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.75 percent."

Because of cross-references in the affected sections, adoption of the amendments proposed for § 15.1 will have the

effect of making these amendments applicable to the products covered by § 15.10 *Enriched flour* \* \* \* \*; § 15.20 *Bromated flour* \* \* \* \*; § 15.30 *Enriched bromated flour* \* \* \* \*; § 15.50 *Self-rising flour* \* \* \* \*; § 15.60 *Enriched self-rising flour* \* \* \* \*; and § 15.70 *Phosphated flour*. Adoption of the amendment proposed for § 15.80 will have the effect of making the amendment applicable to § 15.90 *Bromated whole wheat flour* \* \* \* \* and § 15.100 *Whole durum wheat flour* \* \* \* \*.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 290; 29 F.R. 471), all interested persons are invited to submit their views orally or in writing regarding the proposal published in this notice. Such views and comments should be submitted, preferably in writing and in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 300 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 2, 1964.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 64-5621; Filed, June 5, 1964;  
8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[10 CFR Part 30.1]

### BYPRODUCT MATERIALS

#### Proposed General License for Diagnostic Uses

On January 18, 1962, the Commission published in the FEDERAL REGISTER (27 F.R. 531) a proposed amendment of its regulation, "Licensing of Byproduct Material", 10 CFR Part 30, which would exempt or generally license specified quantities of certain byproduct materials for use by physicians.

The proposed rule published on January 18, 1962, included three basic proposals:

(a) Exemption of the use for diagnostic purposes by physicians of iodine 131, cobalt 58, cobalt 60, and Chromium 51 in specified forms and relatively small quantities;

(b) A general license for the medical use by physicians of iodine 131 and phosphorus 32 in specified forms and limited quantities sufficient for certain therapeutic and diagnostic purposes;

(c) A general license for the medical use by physicians of cobalt 60 contained in needles or tubes designed and manufactured for interstitial or intracavitary use.

In reference to the proposed amendment the Commission has received numerous comments from licensees, medi-

cal societies, and other interested persons. A considerable number of comments were favorable to the proposed amendment. A substantial number of the letters received by the Commission, however, opposed the proposed amendment, particularly the proposed § 30.26, which would establish a general license for therapeutic quantities of iodine 131 and phosphorus 32. A major basis for such objection is the view that medical schools at this time do not include as a part of their required curricula courses on the clinical uses of radiopharmaceuticals and their safe handling.

A number of persons offering comments suggested that the diagnostic provisions were less subject to significant controversy than the proposed general licenses for therapy and recommended that the Commission proceed separately with the proposed exemption for diagnostic uses in the rule making procedure. Comments directed specifically to the proposed exemptions for diagnostic quantities of iodine 131, cobalt 58, cobalt 60, and chromium 51 were generally favorable.

The pharmaceuticals which were proposed for exemption contain microcurie levels of radioactivity and are subject to control by the Food and Drug Administration or the Department of Health, Education, and Welfare. The proposed exemption would apply only to pharmaceuticals containing iodine 131, cobalt 58, cobalt 60, and chromium 51 which are manufactured, packaged, and labeled under "new drug applications" approved by the Food and Drug Administration or a license for a biologic product issued by the Secretary, Department of Health, Education, and Welfare.

The proposed § 30.11(d) (2) published January 18, 1962, limited the uses under the exemption to the uses described in the label or brochure accompanying the package. This label or brochure would be approved by the FDA (or USPHS) and the AEC, and would include only a limited number of well established, non-investigational uses of pharmaceuticals containing the specified radioisotopes.

Under the provisions of the proposed exemption published January 18, 1962, the pharmaceutical containing radioactive material would be packaged in individual calibrated doses ready for administration. No processing by the physician would be required. The proposed exemption would require that the radiopharmaceutical be stored, until administered, in the original shipping container or a container providing equivalent radiation protection. The maximum quantities of radioactive material which a physician may possess at any one time under the proposed exemption as published on January 18, 1962, would be 200 microcuries of iodine 131, 10 microcuries of cobalt 58, 10 microcuries of cobalt 60, and 200 microcuries of chromium 51.

The proposed amendment set forth below follows closely the portion of the notice of proposed rule making published January 18, 1962, which pertained to the exemption of microcurie levels of certain byproduct materials for diagnostic uses. The primary difference from the earlier proposal is that this amendment would establish a general license rather than

an exemption. The physician would be required to register with the Commission prior to receiving byproduct material under the general license. The general license expressly limits use of the specified materials as to chemical form of the byproduct material, the drug which is labeled by the radioactive material, and the authorized use of the radiopharmaceutical. For example, there are only two authorized uses under the general license for iodine 131. Included are (a) iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume; and (b) iodine 131 as sodium iodide for measurement of thyroid uptake.

The authorized use of cobalt 58 or cobalt 60 under the general license is for the measurement of intestinal absorption of cyanocobalamin. The authorized use for chromium 51 as sodium radiochrome is for determination of red blood cell volumes and studies of red blood cell survival time.

The limitations set forth in the January 18, 1962, proposal are retained in this proposed amendment. These include possession limits and limitations on storage and transfer of the radiopharmaceutical. The possession limit for cobalt 58 and cobalt 60 under the general license, however, is 5 microcuries whereas 10 microcuries was specified in the January 18, 1962, proposal. An additional limitation has been added that the radiopharmaceuticals may not be administered to a woman known to be pregnant or to a person under 18 years of age. The general licensee would be exempt from the requirements of 10 CFR 20 with respect to the byproduct materials covered by the general license.

The Atomic Energy Commission will work with the Food and Drug Administration and the Department of Health, Education, and Welfare on their labeling requirements for the generally licensed radiopharmaceuticals and the radiation safety information to be included in the brochures which accompany the generally licensed radiopharmaceuticals.

*Statement of radiation safety considerations.* Under the provisions of the proposed general license in § 30.29 the pharmaceutical containing radioactive material would be packaged in individual calibrated doses ready for administration. No processing by the physician is required. The radioisotopes would be used only by physicians and for medical diagnosis. The proposed general license requires that the radioactive material be stored, until administered, in the original shipping container or a container providing equivalent radiation protection. The maximum quantity of radioactive material which a physician may possess at any one time under the proposed general license is 200 microcuries of iodine 131; 5 microcuries of cobalt 58; 5 microcuries of cobalt 60; and 200 microcuries of chromium 51.

The radiation doses received by physicians or technicians in the administration and handling of diagnostic doses of radioisotopes which would be generally licensed are quite small. Interstate Commerce Commission regulations specify that the radiation on the surface of a shipping container shall not exceed 200

milliroentgens per hour (mr/hr) and at one meter from the contained radioactive material shall not exceed 10 mr/hr. In practice, the radiation levels about containers for diagnostic doses of isotopes are much below these levels. The radioisotope container is handled by physicians and technicians for very short periods of time. Remote handling equipment is unnecessary. The exposure rate at a distance of 1 centimeter from a point source of 200 microcuries of iodine 131 is about 440 milliroentgen/hour or 7.3 milliroentgen/minute. A bottle of iodine 131 capsules is not a point source, but the dose rate close to it would be of this order of magnitude.

The dose rates from the other diagnostic radioisotopes which would be generally licensed are much lower than for iodine 131. The exposure rates at one centimeter from point sources of 5 microcuries of cobalt 58, 5 microcuries of cobalt 60 and 200 microcuries of chromium 51 are 30 milliroentgen/hour, 64 milliroentgen/hour and 80 milliroentgen/hour, respectively.

10 CFR Part 20 specifies that the hands of radiation workers may be exposed to  $18\frac{3}{4}$  rems per quarter or an average dose of 1440 millirems per week. If an individual were exposed only through the handling of 200 microcuries of iodine 131, he could handle the cup or bottle containing the radioisotope  $\frac{1440}{7.3} = 198$

minutes each week without exceeding the limiting hand dose established by 10 CFR Part 20. In practice, diagnostic doses of radioisotopes are handled only 1 or 2 minutes during each administration. The hand doses received by physicians and technicians from handling diagnostic doses of radioisotopes are small.

The whole body exposures to medical personnel are likewise small from the handling of these doses. The exposure rate at one foot from 200 microcuries of unshielded iodine 131, 5 microcuries of unshielded cobalt 58, 5 microcuries of unshielded cobalt 60 and 200 microcuries of unshielded chromium 51 are 0.5 milliroentgen/hour, 0.03 milliroentgen/hour, 0.07 milliroentgen/hour and 0.09 milliroentgen/hour, respectively. Doses which would be received by physicians and technicians working in radioisotope diagnostic programs under the general license would be so small that personnel monitoring equipment would not be required and they would be exempt from the requirements of 10 CFR Part 20.

Because of the low levels of radiation involved and the manner in which diagnostic radioisotopes are used, there is no need to specify minimum training or experience requirements for physicians. A radiation survey meter is not needed. In the case of accidental spills, which are infrequent, the radiation instrumentation used by the licensee to interpret results of the diagnostic tests can be used to check for contamination. There is little likelihood that the radioisotopes will be ingested or inhaled by medical personnel since no processing of the ra-

dioisotopes will be involved. Since diagnostic radioisotopes are ordered by physicians only as needed, very little of the material is disposed of as waste.

**Conclusions.** In view of the limited scope of the general license, the low levels of radiation involved, the manner in which diagnostic radioisotopes are used, and the fact that no processing of the radiopharmaceutical by the physician would be required, the Commission considers that no significant question of radiation safety is presented by the proposed general license.

Further, the general license would lend impetus to the use of certain well established, useful, diagnostic applications of radioisotopes which have been employed over a period of time without presenting any significant radiation safety problems. The general license is a worthwhile step toward making useful radioisotope techniques available to the medical profession.

Only limited diagnostic programs are possible under the general license. The specified possession limits are relatively low and only a few forms of radiopharmaceuticals and authorized uses are included. A specific license will be required for those physicians who need a higher possession level, wish to employ other radiopharmaceuticals, or propose to use the specified radiopharmaceuticals for purposes other than those authorized under the general license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to Part 30 is contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Washington, D.C., 20545, within sixty (60) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. A new § 30.29 is added to read as follows:

**§ 30.29 General license for medical use of certain quantities of byproduct material.**

(a) A general license is hereby issued to any physician to receive, possess, transfer, or use for any of the following stated diagnostic uses, in accordance with the provisions of paragraphs (b), (c), and (d) of this section, the following byproduct materials in capsules, disposable syringes or other forms of prepackaged individual doses;

(1) Iodine 131 as sodium iodide ( $\text{NaI}^{131}$ ) for measurement of thyroid uptake;

(2) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(3) Cobalt 58 for the measurement of intestinal absorption of cyanocobalamin;

(4) Cobalt 60 for the measurement of intestinal absorption of cyanocobalamin;

(5) Chromium 51 as sodium chromate for determination of red blood cell volumes and studies of red blood cell survival time.

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has filed Form AEC-482, "Registration Certificate—Medical Use of Byproduct Material Under General License" with the Director, Division of Materials Licensing, United States Atomic Energy Commission, Washington, D.C., 20545, and received from the Commission a validated copy of the Form AEC-482 with registration number assigned. The registrant shall furnish on Form AEC-482 the following information and such other information as may be required by that form:

(1) Name and address of the registrant;

(2) A statement that the registrant is a duly licensed physician authorized to dispense drugs in the practice of medicine, and specifying the State in which such license is valid; and

(3) A statement that the registrant considers that he has appropriate radiation measuring instruments to carry out the diagnostic procedures for which he proposes to use byproduct material under the general license of 10 CFR 30.29 and that he is competent in the use of such instruments.

(c) A physician who receives, possesses or uses a pharmaceutical containing byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, more than:

- (i) 200 microcuries of iodine 131,
- (ii) 5 microcuries of cobalt 58,
- (iii) 5 microcuries of cobalt 60, and
- (iv) 200 microcuries of chromium 51.

(2) He shall not receive, possess, or use the pharmaceutical pursuant to the general license in paragraph (a) of this section, unless the following statement, or a substantially similar statement which contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

This radioactive drug may be received, possessed and used only by physicians. Its receipt, possession, use and transfer are subject to the regulations and a general license of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of manufacturer)

(3) He shall store the pharmaceutical until administered in the original shipping container or a container providing equivalent radiation protection;

(4) He shall use the pharmaceutical only for the uses authorized by paragraph (a) of this section;

(5) He shall not administer the pharmaceutical to a woman with confirmed pregnancy or to a person under 18 years of age.

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 25 ]

[Docket No. 15495; FCC 64-488]

### SATELLITE COMMUNICATIONS

#### Transfer of Stock

In the matter of amendment of Subpart H of Part 25 (Satellite Communications) of the Commission's Rules and Regulations with respect to necessity of approval by the Commission for transfer of stock by authorized carriers prior to June 1, 1965, and related matters.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It is proposed to amend Subpart H of Part 25 of the Commission's rules and regulations by amending § 25.510 and adding § 25.511 to

(a) prohibit prior to June 1, 1965, the sale, pledge, transfer, or other disposition of shares of stock of the Communications Satellite Corporation by any communications common carrier authorized by this Commission to acquire such stock to any entity other than another authorized carrier except pursuant to an order of the Commission authorizing such sale, pledge, transfer or other disposition; and

(b) prohibit the Communications Satellite Corporation from transferring any such shares on its books without being in receipt of an order of the Commission authorizing the transaction.

3. Under section 304 of the Communications Satellite Act of 1962, no communications common carrier may acquire stock in the Corporation unless authorized by the Commission that such ownership " \* \* \* will be consistent with the public interest, convenience, and necessity." A similar requirement also applies to any individual, partnership, association, joint stock company, trust, corporation or other entity which owns or controls, directly or indirectly, or is under direct or indirect common control with any such carrier. The Commission on December 17, 1962, issued Subpart H of Part 25 of the Commission's rules and regulations implementing this section of the Satellite Act. Since that date, 215 carriers have been authorized to acquire stock of the Corporation.

4. Last week information came to the attention of the Commission indicating that certain communications common carriers authorized by the Commission to acquire shares of stock of the Corporation might use their authorizations in a manner which is incompatible and inconsistent with the purposes and objectives of the Satellite Act.

5. Specifically, inquiry had been made whether carriers may purchase stock with their own funds or with borrowed funds for the purpose of reselling it after the 60-day holding period required by the terms of the Corporation's offering to common carriers. The Commission, on May 28, 1964, issued a Public Notice which stated that:

Such action would not only be contrary to the purposes for which the authorizations were originally given but also would give carriers an unfair advantage over members of the general public in the acquisition of stock. Each common carrier authorization was granted upon a finding by the Commission that ownership of stock by that particular carrier " \* \* \* will be consistent with the public interest, convenience, and necessity." This statutory finding clearly presupposes the acquisition of stock by a carrier for legitimate investment purposes and not for speculation.

6. The Public Notice also stated that the Commission was " \* \* \* therefore considering whether appropriate action should be taken to deal with this matter, including the desirability of revising its rules concerning authorized carrier stock during the next 60-day period." At the same time the Commission stated the purpose of the Notice was " \* \* \* to inform all interested persons so that they are made aware at this time " \* \* \* of the possibility of further appropriate action in this respect."

7. After further consideration of this matter, the Commission has determined to initiate procedures looking toward the possible implementation of its Public Notice of May 28, 1964, by rule making. Specifically, the Commission desires to ascertain whether it would be appropriate to require the approval of the Commission for the sale, pledge or transfer of stock by an authorized carrier to an entity other than another authorized carrier within a relatively short period of time (e.g., until June 1, 1965). Such rules would be aimed solely at speculation by authorized carriers which might take advantage of the privileged position they enjoy in the acquisition of stock to purchase such stock for the specific purpose of resale to members of the general public. As noted above, the Commission has determined that such action would be contrary to the purpose and intent of the Communications Satellite Act as well as against the public interest.

8. The Commission emphasizes that the proposed rules if adopted would be applied only to prevent speculative activities. Prompt consideration would be given to all requests for authorization to sell. The proposed rules would not in any way inhibit or delay proper transactions which are in the public interest. Carriers which purchase stock for legitimate investment purposes and which find it necessary to dispose of such stock in furtherance of their activities as common carriers and not for speculative gain, will not be affected adversely by the changes we are proposing.

9. The Commission is desirous of obtaining the views of all interested parties including the authorized carriers, the Corporation, and the public in this matter. Any such carriers, or other interested party, may file comments on or before the 23d of June 1964. Reply comments are not provided for. The Commission will consider all such comments, as well as other relevant information before it, prior to taking final action in this matter.

(6) He shall not transfer the byproduct material to a person who is not authorized to receive it pursuant to a license issued by the Commission or an agreement State, or in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

(d) The registrant possessing or using byproduct material under the general license of paragraph (a) of this section shall report in duplicate to the Director, Division of Materials Licensing, any changes in the information furnished by him in the "Registration Certificate—Medical Use of Byproduct Material Under General License," Form AEC-482. The report shall be submitted within 30 days after the effective date of such change.

(e) Any person using byproduct material pursuant to the general license of paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

2. A new paragraph (k) is added to § 30.24 to read as follows:

§ 30.24 Special requirements for issuance of specific licenses.

(k) *Manufacture and distribution of byproduct materials for medical use under general license.* An application for a specific license to distribute byproduct material for use by physicians under the general license of § 30.29 will be approved if:

(1) The applicant satisfies the general requirements specified in § 30.23;

(2) The applicant submits evidence that the byproduct material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration, has approved, or in accordance with a license for a biologic product issued by the Secretary, Department of Health, Education, and Welfare;

(3) The following statement, or a substantially similar statement which contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

This radioactive drug may be received, possessed and used only by physicians. Its receipt, possession, use and transfer are subject to the regulations and a general license of the U.S. Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of Manufacturer)

Dated at Washington, D.C., this 12th day of May 1964.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary to the Commission.

[P.R. Doc. 64-5600; Filed, June 5, 1964; 8:45 a.m.]

10. Authority for the amendments proposed herein is contained in sections 304(b)(1) and 201(c)(11) of the Communications Satellite Act of 1962 and 4(i) of the Communications Act of 1934, as amended.

11. An original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 3, 1964.

Released: June 3, 1964.

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

1. Section 25.510 is amended to read as follows:

**§ 25.510 Transfer of stock by authorized carriers.**

(a) No authorized carrier prior to June 1, 1965, may sell, pledge, transfer or make any other disposition of shares of stock of the Corporation to any person or entity other than another authorized carrier except pursuant to an order of the Commission authorizing such sale, pledge, transfer, or other disposition based upon a finding that the transaction is compatible with the purposes and objectives of the Communications Satellite Act of 1962 and is consistent with the public interest, convenience, and necessity.

(b) Applications under this section shall be submitted not later than 15 days prior to the proposed date of the transaction and shall contain or incorporate the following information:

(1) Name and address of the applicant authorized carrier.

(2) Any material change to the date of the instant application in the information required by § 25.520(a) (3), (4), (5), and (8) filed at the time of application for authorization to purchase stock of the Communications Satellite Corporation.

(3) Copy of applicant's current financial statement, annual report, or such other financial information to support the application.

(4) Copy of any existing or proposed agreement relating to the transaction or the substance of any oral arrangements made.

(5) Statement containing full and complete disclosure with regard to the real party or parties in interest in the stock sought to be sold, pledged, transferred or otherwise disposed of.

(6) Statement of the reasons for the transaction and for the applicant's belief that the proposed transaction is compatible with the purposes and objectives of the Satellite Act, is consistent with the public interest, convenience, and necessity, and is in furtherance of legitimate business purposes and not for speculation.

2. Section 25.511 is hereby added to read as follows:

**§ 25.511 Transfer of stock by the Corporation.**

The Corporation, prior to June 1, 1965, shall not transfer nor cause to be transferred on its books any shares of stock issued to an authorized carrier or for

which a series II stock certificate was issued, nor shall the Corporation issue, or cause to be issued, any stock certificates reflecting the transfer of shares from an authorized carrier to any entity other than another authorized carrier, unless the Corporation is in receipt of an order of the Commission authorizing the transaction.

[F.R. Doc. 64-5627; Filed, June 5, 1964; 8:50 a.m.]

**[ 47 CFR Parts 34, 35 ]**

[Docket No. 15489; FCC 64-472]

**RADIOTELEGRAPH, WIRE-TELEGRAPH, AND OCEAN-CABLE CARRIERS**

**Uniform System of Accounts; Ocean Cables**

In the matter of amendment of Part 34 (Uniform System of Accounts for Radiotelegraph Carriers) and Part 35 (Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers) of the Commission's rules with respect to accounting for ocean cables; and related amendments of Annual Report Form R for Radiotelegraph Carriers, notice of proposed rule making.

1. Some of the radiotelegraph carriers have obtained or are negotiating to obtain ownership or like interests in telephone ocean cables. It is our understanding that the usual arrangement provides for the carrier which contracts for or constructs, and performs the initial accounting with respect to the cable to bill the carrier acquiring the interest for a proportional interest in the ocean cable and other facilities used in conjunction therewith. The acquiring carrier's proportion of maintenance and possibly other expenses is also billed by the carrier managing the cable maintenance and accounting.

2. Our system of accounts for radiotelegraph carriers (Part 34 of our rules) already contains a group of accounts (see § 34.03-8) designed to meet the needs of those carriers who have ocean-cable operations in addition to, but apart from, radio. The texts of these accounts, written more than twenty years ago, are, however, directed to something different than the recently conceived interests in telephone ocean cables. We do not believe these ocean-cable operations accounts should be rewritten to embrace the interests in telephone ocean cables now being acquired. This is principally for the reason that the new cables are going to be operated as integral parts of communication systems which combine radio and cable facilities inseparably for traffic volume and revenue purposes while the present accounts look to cables operated separately from radio.

3. The Commission believes that a new plant account should be provided in Part 34 of its rules for the original cost of interests in telephone ocean cables as well as for such costs of wholly owned ocean cables when they are not includible in existing accounts. Part 34 now provides accounts suitable for the inclusion of costs of plant associated with the use of telephone ocean cables in

which interests are being acquired so that no amendments relating thereto seem necessary. We believe that the maintenance expenses applicable to ocean cables the original cost of which would be includible in the proposed new plant account will be of sufficient size and distinctive enough to warrant their being set out in a separate maintenance expense account. There is a question also as to the proper accounting for additional amounts billed separately but relating to maintenance such as social security taxes, relief and pensions, and administrative expenses. We believe that such costs should be included in the maintenance expense account appropriate for the class of plant to which they relate and that no amendment other than creation of a new maintenance expense account is necessary to accomplish such accounting. We also believe that no amendment is necessary to insure that costs billed to the carrier by others for maintenance of other types of plant including all related costs will be charged to the maintenance expense account appropriate for the class of plant involved.

4. The Commission interprets Parts 34 and 35 of its rules as requiring that acquisitions of interests in operated plant including telephone ocean cables should be accounted for on an original cost (cost at time of first dedication to the public use) basis. The present provisions of § 34.1-2 *Accounting for plant acquisitions*, and also § 35.1-2 *Accounting for plant acquisitions*, of our rules do not make any reference, in connection with required original cost accounting, to the acquisition of other than complete operating systems or operating units. However, in this connection it should be noted that the Commission in 1939 issued Case 7 to Part 31 of its rules specifying, among other things, that undivided interests in plant acquired should be accounted for on the original cost basis. Nevertheless, to make it perfectly clear that original cost accounting is to be used for acquisitions of interests in substantially complete operating systems or units, the Commission proposes to amend §§ 34.1-2(c) and 35.1-2(c) as indicated in paragraphs 6 and 7 hereinafter.

5. With respect to interests in telephone ocean cable, it is assumed that the "manager" of the cable will keep the parties who have interests therein informed as to retirements and replacements of the cable as well as furnish considerable detail with respect to maintenance costs. We believe that it will facilitate proper accounting if all carriers owning interests in cables perform the same retirement accounting, including the use of the same retirement units, as the carrier doing the billing. In what will presumably be a relatively few cases, where the entity doing the billing is not a "carrier," the billed carrier should consult the Commission regarding the accounting to be followed. Also, since the new plant account may include wholly owned ocean cable, retirement units are herein proposed for Part 34 for wholly owned ocean cable.

6. In order to provide appropriate accounting in Part 34, as discussed above,

the Commission proposes to amend that part of its rules as follows:

In § 34.04-1 *Classes of depreciable operated plant*, following "Power supply and distribution equipment (account 36)" insert "Ocean cable (account 37)."

In paragraph (c) of § 34.1-2 *Accounting for plant acquisitions*, following the words "operating unit" insert the words "or interest therein."

In § 34.1-99 *Contemplated form of plant statement*, following "36 Power supply and distribution equipment" insert "37 Ocean cable."

Following § 34.36 *Power supply and distribution equipment*, insert the following new account:

§ 34.37 *Ocean cable.*

This account shall include the cost of ocean cable, including ocean-cable repeaters, which is not appropriate for inclusion in account 1530, "Telephone, wire-telegraph, and ocean-cable plant."

In § 34.41-99 *Contemplated form of operating expense statement*, following "4125 Maintenance of fixed and land station transmission equipment" insert "4126 Maintenance of ocean cable."

Following § 34.4125 *Maintenance of fixed and land station transmission equipment*, insert the following new maintenance account:

§ 34.4126 *Maintenance of ocean cable.*

This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in account 37, "Ocean cable."

In § 34.1-6-1, *Retirement units*, after the retirement units listed for Power Supply and Distribution Equipment (Account 36) insert the following:

OCEAN CABLE (ACCOUNT 37)

A section of ocean cable between two terminal points, or a section involved in rerouting such cable.

A repeater.

NOTE: Carriers having a shared interest in ocean cable shall use the same retirement units for such cable as the carrier which performs the initial plant accounting with respect thereto and continues as the party responsible for its maintenance and the accounting therefor. If the party respon-

sible for cable maintenance and the accounting therefor is not a carrier under the Communications Act, the Commission shall be consulted concerning the retirement units to be used.

7. Carriers subject to Part 35, Uniform System of Accounts for Wire-Telegraph and Ocean-Cable Carriers, of our rules who may be acquiring interests in telephone ocean cable do not have the same problems as radiotelegraph carriers subject to Part 34 of the rules since appropriate plant and expense accounts are currently provided in Part 35. However, in order to provide what we believe to be appropriate retirement units for interests in ocean cable and that acquisitions of interests in substantially complete operating systems or units shall be accounted for on an original cost basis, it is proposed to amend Part 35 as follows:

In paragraph (c) of § 35.1-2 *Accounting for plant acquisitions*, following the words "operating unit" insert the words "or interest therein."

In § 35.1-6-1, *List of units to be used in connection with the accounting provided in § 35.1-6*, as an addition to item (9) under Ocean Cable (Account 31) insert the following:

However, carriers having a shared interest in ocean cable shall use the same retirement units for such cable as the carrier which performs the initial plant accounting with respect thereto and continues as the party responsible for its maintenance and the accounting therefor. If the party responsible for cable maintenance and the accounting therefor is not a carrier under the Communications Act, the Commission shall be consulted concerning the retirement units to be used.

8. The Commission also proposes to amend Annual Report Form R for Radiotelegraph Carriers by inserting new accounts 37 or 4126, as appropriate, in Schedules 101R, Communication Plant and Related Accounts—Radiotelegraph; 105R, Allowance for Depreciation—Radiotelegraph Plant (Account 1515 or 1535); 106R, Analysis of Retirements (Other than Sales) of Radiotelegraph Plant Charged to Accounts 1515 or 1535; 107R, Depreciation Rates—Radiotele-

graph Plant; and 330R, Radiotelegraph Operating Expenses (Account 4000).

9. The Commission proposes to make any Part 34 and 35 rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of a final order with respect to this docket, as required by section 220(g) of the Communications Act, with the option that those carriers which desire to do so may place any amendments which may be adopted in this proceeding into effect at any earlier date not, however, prior to January 1, 1964. The changes in Annual Report Form R would be made effective for the 1964 reports. No change seems necessary in monthly report FCC Form 903.

10. This notice of proposed rule making is issued under authority of sections 4(i), 219, and 220 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before June 29, 1964, and reply comments on or before July 20, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: May 27, 1964.

Released: June 3, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-5628; Filed, June 5, 1964;  
8:50 a.m.]

<sup>1</sup> Commissioners Bartley and Loewinger absent.

# Notices

## ATOMIC ENERGY COMMISSION

### STATE OF NORTH CAROLINA

#### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Carolina for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of North Carolina and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Appendixes referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed North Carolina regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State & Licensee Relations, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 20th day of May 1964.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,  
Secretary to the Commission.

*Proposed Agreement Between The United States Atomic Energy Commission and The State of North Carolina for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended*

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any

State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of North Carolina is authorized under North Carolina General Statutes (G.S. 104C-5; 1963, c. 1211) to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of North Carolina certified on \_\_\_\_\_ that the State of North Carolina (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on \_\_\_\_\_ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State recognizes the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended:

Now, Therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

**Article I.** Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

**Article II.** This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

**Article III.** Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or pro-

ducer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

**Article IV.** This Agreement shall not affect the authority of the Commission under subsection 161 b. or f. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

**Article V.** The Commission will use its best efforts to cooperate with the State and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

**Article VI.** The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

**Article VII.** The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

**Article VIII.** This agreement shall become effective on \_\_\_\_\_ and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

#### *Policies and Procedures Applicable to North Carolina Regulations for Protection Against Radiation*

**Foreword.** Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the United States Atomic Energy Commission to enter into an agreement with the Governor of a State to transfer to the State certain licensing and control of byproduct, source, and special nuclear materials in quantities not sufficient to form a critical mass. The North Carolina State Board of Health (hereinafter referred to as "the Agency") has been designated by the North Carolina General Assembly and is prepared to accept this responsibility. To that end the Agency hereby presents a narrative description of its proposed program for the control of sources of ionizing radiation, including naturally occurring isotopes and certain radiation producing machines.

The regulatory program for control of sources of ionizing radiation in North Carolina, presented here in some detail, will be conducted in such a manner as to protect effectively the public health and safety, and to further the economic growth of the State by encouraging the safe and proper utilization of radiation for peaceful purposes. The program is compatible with the regulatory program of the United States Atomic Energy Commission and will be maintained so as to ensure this compatibility. Uniformity with the regulatory programs of other agreement States will be maintained so far as possible.

The Agency places primary and specific responsibilities for radiation protection upon those persons licensed or registered for sources of radiation, and upon those furnishing designated equipment servicing and services. The Agency has adequate authority and capability to assure compliance with the North Carolina Regulations for Protection Against Radiation.

**Statutory Authority.** In 1959 the North Carolina General Assembly enacted authority to the Agency (G.S. 104C) to adopt reasonable rules and regulations to provide protection against hazard from radioactivity and ionizing radiation; to require registration of persons possessing or using specified sources of radiation; to enter premises to determine whether applicable laws and regulations are being properly observed; to provide an inspection service and to make surveys (Appendix I). A 1963 amendment to G.S. 104C designated the North Carolina State Board of Health as the Agency which shall provide by rule or regulation for licensing of byproduct, source, special nuclear materials, or devices or equipment utilizing such materials, and for amendment, suspension or revocation of licenses; grants specific authority to the Agency for related protective activities; authorizes the Agency to provide for recognition of other State and Federal licenses as it may deem desirable; authorizes the Governor "to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this State" (Appendix II).

The Agency has multiple other general and specific statutory authorities and responsibilities related to the 1959 Act and its 1963 amendment (copies available upon request to the Agency).

**History.** The North Carolina program for protection against radiation has developed progressively. A committee, advisory to the State Board of Health, on radiation protection was established early in 1958. During the same year this Agency began organizing a State Radiological Emergency Team, which became functional in September 1961. A voluntary State committee, advisory to the Governor on nuclear energy, was also established in 1958. These related actions are reflected in the 1959 North Carolina Atomic Energy, Radioactivity and Ionizing Radiation Law (Appendix I).

This Act established the State policy to promote sound and healthy programs for progressive use of atomic energy in the State, while protecting the public's interests and insuring public health and safety. The Act established the North Carolina Atomic Energy Advisory Committee with six subcommittees on agriculture, education and research, industry and labor, medicine and public health, power, and radiation standards (lists of the Committee and Subcommittee memberships are available upon request to the Agency). The Act assigned specific authority and duties to the State Board of Health.

The State Health Director in 1960 initiated the organization, assured interim staffing, and assigned developmental responsibilities

for the State Radiological Health Program. All have been brought up to date recently.

Previous independent activities have included: The establishment in 1952 at North Carolina State College in Raleigh for educational and research purposes the first reactor not owned by the Federal Government; voluntary registration of radiation sources; setting up of patterns for occupational surveillance; actively developed environmental surveillance; readiness to meet reported radiation accidents and emergencies; providing the laboratory services required to support each of these. An orderly equipment procurement program has been implemented to make essential equipment available as staffing progressed.

One of the earliest acts of the North Carolina Atomic Energy Advisory Committee was giving support to the State Health Director's proposal in June, 1960 as he sought United States Public Health Service funds, which resulted in the establishment of a five-year graduate program in Radiological Health (Master's Degree) at the University of North Carolina, School of Public Health, administered entirely by that school. Another early Committee activity was support of the State Health Director in his request to the United States Atomic Energy Commission, which resulted in a contract to establish the North Carolina Institute in Fundamentals of Radiation and Radiological Protection at North Carolina State College and the School of Public Health, 1962-1963. Forty-eight State and local agency personnel were enrolled in the five courses. The Committee has reviewed the many studies, proposals, and recommendations of the State Board of Health in development of the State's radiation protection program. Its subcommittees have been, and will continue, available to the Agency at all times in furnishing advisory and co-ordinating assistance.

In late 1960 a program jointly developed by the State Board of Health with the State's medical, dental, hospital, and veterinary medical associations permitted the voluntary registration of radiation sources in the State before mid-1961. Supplemented by a detailed study of copies of licenses issued by the United States Atomic Energy Commission, and by a Statewide voluntary survey of dental X-ray machines (Surpak), more than three-fourths of all radiation sources in North Carolina have been identified, a bulletin was published in November 1963 listing the known sources so that health, civil defense, law enforcement, and fire prevention and fire fighting services as well as professional, safety, insurance, labor, compensation, and other related personnel can be informed of the nature and extent of most of the existing potential radiation hazards in each community. The Radiological Defense Service of the State Civil Defense Agency, although independent in authority and responsibility, is directed by the same personnel who direct the continuing day-to-day Radiological Health Programs. Both programs are closely co-ordinated and reviewed periodically with the State's law enforcement authorities.

An Agency environmental radiation surveillance program, begun in 1958, checks water supplies for 120 communities periodically, establishing factually the existing background radioactivity in the waters. This program has been evaluated and detailed results published annually, so that the current and future surveillance is on a more practical and authoritative (technical) basis. (Copies of pertinent reports are available upon request to the Agency). Concurrently, the State has long participated with the United States Public Health Service in nationwide, air, milk, and water surveillance network programs. Within the past year the State's independent program has expanded in the realms of air, water, milk surveillance, and food sampling.

In the realm of occupational surveillance, up to now, there has been no compulsory licensing, registration, or inspection. In 1949, shoe-fitting fluoroscopes throughout the State were inspected and their hazards reported to owners who removed them. By 1951, X-ray facilities of several local health departments were inspected and surveyed wherever requested. In 1961-1962, all X-ray facilities of the 100 local health departments in the State were surveyed, demonstrating widespread need for attention to personnel monitoring, proper collimation and filtration, operator shielding, and room shielding. During 1962-1963, with United States Public Health Service support, a Statewide Surpak survey of dental X-ray machines achieved voluntary participation by ninety percent of the 1,462 known dentists; only 20 percent revealed no apparent need for correction. Almost all deficiencies were readily corrected by the dentists' use of fittings furnished to them free. Later, jointly with the North Carolina State Veterinary Medical Association, voluntary survey of Veterinarians' X-ray facilities was undertaken. This has resulted in widespread improvement of personnel monitoring, and correction of improper collimation and filtration.

Occupational surveillance over radioactive materials by the Agency's personnel has involved accompanying Atomic Energy Commission inspectors on essentially all inspections during the past four years. These same State personnel will inspect for the State under this program. In addition all Civil Defense Radiological Defense Service Cobalt 60 source sets have been independently inspected and leak-tested by these State personnel.

The State Radiological Emergency Team has been continuously available since September 1961 when the first issue of the team's procedural guide was published. The team's handbook is revised periodically, the last time, September 1963 (a copy is available upon request to the Agency). Thus, the professionally competent technical guidance by team members has been planned from the start, and continues co-ordinated, with State law enforcement and transportation authorities. Nine American Board certified medical radiologists are available to the team at all times as consultants in any medical care required for victims of radiation accidents.

To support the expanding activities the Agency's Laboratory Division has installed effective equipment, and the increased staff is kept currently abreast of new developments.

The radiation protection program has continued towards State participation under section 274 of the Atomic Energy Act of 1954, as amended. Timely changes have been made in priorities for various program activities in order to meet changing circumstances. For example, environmental surveillance could be and was expedited due to atmospheric testing fallout. Nevertheless, the whole program has been functional since March 5, 1963.

The biennial program to June 30, 1965, is published and is revised annually. It will provide surveillance over environmental and occupational radiation sources, readiness for handling the effects of predictable accident/incident, and laboratory supports to all of these activities.

North Carolina Regulations for Protection Against Radiation, compatible with section 274 and the recommendations of the United States Atomic Energy Commission, United States Public Health Service, and the Council of State Governments, have been approved by the North Carolina Atomic Energy Advisory Committee, the State Board of Health, and the Governor of North Carolina (appendix III). Interested parties have had the opportunity to participate in public hearings on licensing and regulatory activities of the

Agency, and have suggested or commented upon the Agency's proposed regulations.

**Standards.** The standards prescribed by the Agency are included in North Carolina Regulations for Protection Against Radiation (Appendix III). These standards are equivalent to and compatible with current United States Atomic Energy Commission standards and those of the current agreement states. The standards pertaining to transportation are consistent with rules and regulations of the Interstate Commerce Commission, Federal Aviation Agency, United States Coast Guard, and Post Office Department; the standards pertaining to intrastate transportation are consistent with the same rules and regulations, and with State laws and regulations coming under statutory jurisdiction of all North Carolina agencies. All regulatory requirements are reviewed by the North Carolina Atomic Energy Advisory Committee prior to submission to the Governor for the approval required by statute.

**Operating Procedures.** The Agency's program for meeting statutory responsibilities is outlined hereafter:

(a) **Licensing.** Licenses will be required for all persons who possess or use in North Carolina radioactive materials in excess of exempt quantities and concentrations. Both general and specific licenses will be issued by the Agency and the criteria for the issuance and renewal of licenses will be the same as used by the United States Atomic Energy Commission. Provisions have been made in the regulations for exemption of certain quantities, concentrations, and devices; e.g., any person may receive, possess, or use products or materials containing radioisotopes in amounts or concentrations not in excess of those listed in the published exempt schedule.

The Agency will issue general licenses under specified circumstances where more stringent control by specific licenses is found to be unnecessary to protect the public health and safety. General licenses will be effective without either the filing of applications with the Agency or the issuance of documents by the Agency to a specific person. In addition to the generally licensed or exempt quantities, certain devices containing radioactive materials which have a built-in high safety factor, and will be safe for use by persons not trained in radiation protection, will be generally licensed.

Specific licensing procedures will involve both the evaluation of the possible radiation hazards and the determination of the adequacy of the radiation controls specifically proposed for application by the license applicants. The required controls will vary with the type of radioactive material(s) under consideration and the proposed use(s). Standards and licensing guides compatible with those used by the United States Atomic Energy Commission will be applied in making these evaluations. No standards more restrictive than those established by the Atomic Energy Act of 1954, and amendments, will be imposed by the Agency.

The Agency's regulations require the following for the issuance of a specific license:

1. The applicant shall be qualified by training and experience to possess and use the material safely and for the proposed purpose.
2. Facilities and equipment of the applicant shall be adequate to protect.
3. The location of the proposed activity shall be suitable for the purpose.

The Agency will require sufficient information submitted by an applicant to provide full knowledge of the proposed program, and this will be used as the basis to determine whether the applicant will be able to comply with the radiation safety regulations. A license will be issued only if the training and experience, facilities and equipment, and proposed operating procedures appear to be adequate for radiation protection, con-

sidering the type of material, levels of activity, and the proposed use.

A visit will be made prior to the issuance of a license when this is deemed necessary to make an on-the-spot evaluation of facilities and equipment and of the proposed radiation protection program.

License conditions or requirements will be included in a specific license to cover significant matters or special needs not expressly defined in the pertinent sections of the regulations. The regulations provide the bases for modification, revocation, and termination of licenses.

An Agency Health Physicist will make the initial review and evaluate each application for license. Applications involving significant environmental hazards may be referred to the Sanitary Engineering Division, those involving significant occupational or in-plant hazards to employees may be referred to the Occupational Health Section, for review, comment, and recommendation prior to issuance of a license.

Where indicated, applications involving human use will be referred to the Agency's Medical Isotopes Advisory Group for evaluation, comment, and recommendation. For example, such instances may include: 1. Circumstances in which the licensing staff has no established precedent for the usage, dosage, or procedure proposed by the applicant; 2. Where an applicant proposes selection of unusual isotope(s), or excessive or unusual dosage or administration, or procedure, according to known previous experience; 3. Where the applicant appears to have insufficient training and/or no prior experience in handling isotopes for human usage; 4. Where currently available information reveals little or no such human use up to now. Under other unusual circumstances, advisory assistance is available and will be sought from qualified consultants.

(b) **Registration.** The Agency is authorized to require the registration of radiation machines (Appendix I) except some 700 X-ray machines (hospital) subject to the provisions of G.S. 131-126.3 (1963, c. 66). Most sources of radiation, including the hospital X-ray facilities and materials which will be licensed by the Agency, have already been voluntarily registered with the Agency. Every person who furnishes or offers to furnish in North Carolina any service or equipment servicing to Agency licensees or registrants will be required to register with the Agency.

(c) **Inspections—(1) Licensees.** There will be five types of physical inspections made of radioisotope licensees or license applicants, designated according to their primary purposes. Each of the following types of inspection will be undertaken to the extent the existing circumstances dictate:

1. **Prelicensing inspection.** At the time of the review of an applicant's proposed program, it will be determined whether or not the quantities and forms of the materials to be used and the scope of the proposed program will justify a prelicensing inspection. This type of inspection will be made to determine if the applicant is capable of conducting his program safely and to obtain additional information needed or desired by those responsible for approving the applicant for license.

2. **Initial inspections.** After a new license to possess and use material has been granted, the inspection staff will arrange with management for an initial inspection. This type of inspection normally will be announced so that the inspectors will be assured that the authorized radioactive materials will have been obtained, and a use program is in progress.

3. **Reinspection.** Reinspections will be made of continuing programs subsequent to a previous inspection and may be announced or unannounced. A program is considered

continuous even though a new license number may have been assigned.

4. **Followup inspections.** When items of noncompliance noted on previous inspections justify, followup inspections will be made in addition to others routinely scheduled, to determine the status of corrective action taken by the licensee. This type of inspection will be justified and scheduled only when the items of noncompliance present a potentially significant hazard to the licensee, his employees, or the public, or when management has demonstrated that it may not intend to, or may be unable to, take the corrective actions necessary.

5. **Request inspections.** The inspection staff will respond to requests by management, a local health director, or other responsible person, for inspection of facilities when the advisory assistance requested cannot be satisfactorily given by means of regular communication. Request inspections may also serve as reinspections if the time of inspection is compatible with the priority schedule established for the licensee. Inspections will also be made on the request of State or local authorities having legitimate cause.

(2) **Registrants of X-ray equipment.** There will be four types of physical inspection made of the facilities of registrants of X-ray equipment, utilizing instrumentation:

1. **Initial inspections.** This type of Agency-initiated inspection normally will be announced so that the registrant can cooperate with the inspector conveniently and beneficially to himself.

2. **Reinspections.** This type of inspection normally will be announced, as with initial inspections, and usually because of a change of significant nature in the X-ray facility, equipment, or procedures.

3. **Followup inspections.** This type of inspection will be justified and scheduled only when items of noncompliance, if uncorrected, can create a real and unauthorized radiation exposure of the facility's personnel or the public.

4. **Request inspections.** This type of inspection, with or without prior announcement, usually will respond to requests by owners, users, local health and other authorities, or other responsible persons, when the advisory assistance requested concerning significant problems cannot be given satisfactorily by means of regular communications.

(3) **Schedule of inspections and surveys.** All types of inspections may be made unannounced if the purpose of the inspection can be served and all desired observations can be made satisfactorily. When advisable to conserve travel time and expense of inspecting personnel or to facilitate normal activities of X-ray equipment registrants, the management or user of a facility may be notified of an impending inspection and an appointment made.

1. **Inspection schedule for licensees.** The schedule for initial inspection and reinspections of licensees will be determined by priorities established for each license at the time the license is granted. Priorities will be assigned according to the category of use and the scope of the program. Priorities assigned prior to initial inspection will be considered tentative until confirmed after inspection. Priorities may be changed by amendments of license during the course of a program when such changes seem advisable after receipt of notice of a change in the scope of the program or of a change in the category of use. If more than one category is involved, priority will be based on the more restrictive category.

Initial inspection and reinspection schedules will be determined by priorities. Priorities will be determined by the degree of hazard involved with the use of materials in each case.

2. **Inspection schedule for registrants of X-ray equipment.** Allowing for economy, efficiency, and flexible adjustment to un-

predictable circumstances, priorities of inspection of X-ray registrants will be given to the following order:

Priority I: Request inspections.

Priority II: Followup inspections.

Priority III: Initial inspections, undertaken geographically to conserve expense and personnel effort.

Priority IV: Reinspections.

(4) *Designated agency representatives.* Onsite initial inspections of programs and facilities of licensees, license applicants, and registrants always will be made by an Agency Health Physicist, or by designated authorized representatives of the Agency's Occupational Health Section who are qualified by experience and training in radiological health. Later inspections normally will be made by the same personnel. In addition, after approval by the State Board of Health in each instance, the Director, State Radiation Protection Program may designate in writing for a specified period of time a named public employee, e.g., of a State or local governmental agency, when qualified, as authorized representative of the agency, in accordance with section A.11(b), North Carolina Regulations for Protection Against Radiation. Prior to authorization by the Agency the individual qualifications for the designated purpose will be reviewed and proven at least equal to those of Agency incumbent personnel. Conduct of all inspections and the resulting reports will be subject to Agency supervision and to review by the Public Health Physicist and the Director of the State Radiation Protection Program. The Agency's Public Health Physicist will act as consultant and render technical advice to all authorized representatives of the Agency.

(5) *Conduct of inspections.* The Agency authorized representative making an inspection will interview the licensee, management, or registrant, and discuss the complete program in considerable detail.

The Agency authorized representative will be prepared with proper instrumentation to make all necessary radiation measurements in work areas and at the completion of the physical and records survey, the inspector will discuss his findings with the licensee or registrant and point out any items of non-compliance noted. He will assist the licensee or registrant by explaining the corrections the inspector has observed to be needed in the program.

(6) *Inspection reports.* A summary report of every inspection will be prepared to include a description of the program, records, violations, and other pertinent remarks, a copy of which will be furnished the licensee or registrant, and a copy filed by the Agency.

(d) *Accidents and incidents.* Investigation at the site of a radiological accident or incident will be made promptly in detail to determine the cause of the incident, in accordance with the provisions contained in the Handbook, North Carolina State Radiological Emergency Team (copy available upon request to the Agency). Agency authorized representatives will discuss with those persons responsible, measures to prevent additional incidents. The Agency has statutory authority to control effectively any incident and to protect adequately the public health and safety. Investigation of an incident should reveal whether or not any Agency action with or against the licensee is indicated.

(e) *Enforcement.* Status of compliance with the Agency's regulations will be determined by evaluation of reports of inspections of licensees' and registrants' activities.

If no items of noncompliance are observed at the time of an inspection, each licensee or registrant will be so informed. If only minor items of noncompliance are observed and the licensee or registrant agrees at the time of the inspection to correct these, the licensee or registrant will be informed by letter of the items of noncompliance and that

the effectiveness of corrective actions undertaken will be reviewed at the time of the next inspection.

If the inspection report shows noncompliance of potentially significant nature, the licensee or registrant will be required to notify the Agency promptly in writing as to every corrective action taken and the date completed. Thereafter, a prompt followup inspection may be made to insure that the necessary corrective action has been accomplished. If the written notification to the Agency does not explain satisfactorily a licensee's noncompliance, and also assure that further predictable violations will be prevented, the Agency may issue an order to show cause why the license should not be terminated or otherwise modified. If conditions observed during an inspection create a serious potential or actual hazard, the inspector will report immediately to the Agency by telephone. Enforcement action, such as an order by the Agency to the licensee or registrant to take immediate corrective action, may then be taken without delay. The Agency is authorized to impound sources of ionizing radiation under specified circumstances.

Willful noncompliance, or a need for extensive Agency action to correct or control deficiencies or acts of noncompliance, are expected to be unusual or of rare occurrence. Every effort by the Agency will be extended towards securing voluntary co-operation and compliance, and thereby creating little demand for legal enforcement.

A hearing may be held upon the request of any person whose interest may be affected by enforcement proceedings.

*Delegation of Authority—(a) Chain of command.* As approved by the State Board of Health, the State Health Director has authority to delegate the pertinent responsibilities. He has done this by delegation of administrative direction to specified staff members, and to certain personnel devoting full time and part time for implementing the program. The Director of the State's Radiation Protection Program directs the planning and implementation of the entire program, coordinated between the division directors concerned. Implementation of the respective responsibilities is undertaken by the Chief, Radiation Protection Section for Public Health Physics guidance and activities; by the Director, Sanitary Engineering Division for environmental radiation surveillance; by the Chief, Occupational Health Section for occupational radiation surveillance; by the Chief, State Radiological Emergency Team for response to and control of accidents; and by the Director, Laboratory Division for all laboratory services required to support these operational segments of the program. Hence, the chain of command proceeds directly: from the State Board of Health to the State Health Director, to the program Director, to the Director, Sanitary Engineering Division, and to the Director, Laboratory Division. The program director administers directly the activities of the Radiation Protection Section, the Occupational Health Section, and the State Radiological Emergency Team.

(b) *Delegation of authority.* The authority and responsibility for administering North Carolina Regulations for Protection Against Radiation, covering the statutory licensing of byproduct, source, special nuclear materials, or devices or equipment utilizing such materials, has been assigned to the Director, State Radiation Protection Program. As he directs, applications for licenses will be approved or disapproved. He will issue denials for cause, or denials without prejudice. He may terminate a license, after opportunity is offered the licensee for a hearing, due to failure to correct items of noncompliance, or for other justified cause, after specific approval by the State Health Director in each instance. Under his

administrative control the Health Physicist will provide technical assistance and consultation, to him and to all other Agency personnel administering and implementing the State Radiation Protection Program and the North Carolina Regulations for Protection Against Radiation.

*Personnel and staffing.* Sufficient and qualified Agency staff and consultants are available:

(a) *Agency staff.* Individual staff qualifications reflect the necessary education, training, and experience to ensure competent administration and implementation of the program (Appendix IV). All future replacements of incumbents, or employment to fill new vacant positions, will follow close scrutiny to ensure qualifications at least equal to those of incumbents.

(b) *Consultants.* The Agency and its State Radiological Emergency Team can call upon 20 qualified consultants voluntarily available within the State to advise upon and assist in the handling of any unusual or complex problem or serious hazard related to this program:

(1) Six general program consultants include a Board-Certified Industrial Hygiene Engineer specializing in radiological health; an experienced chemist (Ph. D.) specializing in nuclear, tracer, and radiation chemistry; a Fellow of the American Academy of Oral Roentgenology; a physicist (Ph. D.) experienced in laboratory equipment design and applications to nuclear science and engineering and directing a recognized research laboratory; two experienced radiological safety officers of two recognized graduate educational and research institutions.

(2) Nine Board Certified Medical Radiologists, all recognized in the diagnostic and therapeutic aspects of X-ray, radium and medical isotopes involving human use.

(3) Six members of the Agency's Medical Isotopes Advisory Group, including three Board-Certified Radiologists experienced with medical isotopes; two Board-Certified Health Physicists experienced in educational, research, and medical radiation protection and safety programs; a radiation biologist (has just completed Ph. D. requirements) experienced in and chief of medical physics at a third recognized North Carolina graduate educational and research institution.

*Regulations.* The Agency has statutory authority to administer the applicable regulations (Appendix III), which will become effective upon the effective date of the agreement between the Governor of North Carolina and the United States Atomic Energy Commission. Interested parties have timely opportunity to participate in public hearings on licensing and regulatory activities of the Agency.

*Budget.* The biennial budget for fiscal years 1964 and 1965 as originally approved provides sufficiently for a sound program. Minor salary increases for clerical personnel have been provided by administrative action. The actual expenditures during fiscal year 1963 approximated those occurring during 1964 (a budget summary is available upon request submitted to the Agency).

Funds are sufficient through fiscal year 1965 for 14 full-time personnel, 12 currently employed. Nine other professional personnel devote up to 50 percent part time to this program. New position vacancies will permit timely employment of two full-time inspecting personnel for radioactive materials. This will provide staff equivalent to four full-time radiation inspectors. Although currently qualified, the existing staff regularly will attend appropriate professional, conference, seminar, and short-course training to maintain and improve administrative and technical competence. Their necessary travel for training and daily duties is assured. Up-to-date survey and laboratory equipment has been procured. An equipped instrument

maintenance shop is manned by a well-qualified employee. A high-level survey instrument calibration facility will be functional July 1, 1964.

**Equipment.** All necessary equipment has been procured and is functional (Appendix V). In addition, laboratory facilities at Duke University, North Carolina State College, University of North Carolina School of Public Health, and North Carolina Research Triangle Institute Isotopes Development Laboratory, are available to the Agency for limited supplementary counting and analyses under unusual demands. The program director keeps himself informed of the locations of all State Civil Defense Agency instruments and 39 Cobalt 60 source sets, as Chief, Radiological Defense Service.

The Agency is licensed for and has a Radiac Calibrator (120-curie Cs-137) for use in an established high-level survey instrument calibration facility. A suitable X-ray facility is planned, for variable-level calibration of the Agency's X-ray survey instruments. Both calibration facilities will be utilized also in special studies contributing to the program. The Agency has a well-equipped electronics maintenance shop administered by a qualified electronics specialist. All Agency equipment is thoroughly inspected and tested, repaired when necessary, and calibrated periodically.

**Sample Forms.** In addition to notice to employees and occupational exposure record forms, found at the end of Part C of the Agency's draft regulations (Appendix III), sample forms have been drafted for applications, licenses, and registration (Appendix VI).

[F.R. Doc. 64-5171; Filed, May 22, 1964; 8:47 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development IRMA ADELMAN AND JOHNS HOPKINS UNIVERSITY

#### Certification

Pursuant to the proviso contained in section 207 of Title 18 USC (76 Stat. 1124, (1962)), I certify that the national interest would be served by the participation of Mrs. Irma Adelman as principal investigator or otherwise as agent for the Johns Hopkins University in connection with an AID contract with the Johns Hopkins University for a research project relating to development of econometric models of aspects of the foreign aid program.

This certification is directed to be published in the FEDERAL REGISTER.

WILLIAM S. GAUD,  
Deputy Administrator.

MAY 25, 1964.

[F.R. Doc. 64-5606; Filed, June 5, 1964; 8:46 a.m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

[Docket No. S-168]

### MOORE-McCORMACK LINES, INC.

#### Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc.,

for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to permit its owned vessel, the "SS Robin Mowbray," which is under time charter to States Marine Lines, Inc., for a period of about 3 to 6 months from January 10, 1964, to load in Hawaiian ports, commencing about June 12, 1964, while en route from the Far East on an eastbound voyage, for discharge at U.S. Atlantic ports.

This application may be inspected by interested parties in the Chief Hearing Examiner's Office, Maritime Subsidy Board/Maritime Administration, Room 4519, GAO Building, 441 G Street NW., Washington, D.C.

A hearing on the application has been set for June 12, 1964, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on June 11, 1964, notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration, petitions for leave to intervene received after the close of business on June 11, 1964, will not be granted in this proceeding.

By order of the Maritime Administrator.

Dated: June 5, 1964.

JAMES S. DAWSON, Jr.,  
Secretary.

[F.R. Doc. 64-5711; Filed, June 5, 1964; 11:18 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15426]

### OCEAN DATA SERVICE

#### Establishment and Allocation of Frequencies; Order Extending Time for Filing Comments and Reply Comments

In the matter of a notice of the pending establishment of an Ocean Data Service and the allocation of frequencies to that service.

The Commission having under consideration requests, submitted on behalf of the American Merchant Marine Institute, Inc. (AMMI), and the Central Committee on Communication Facilities of the American Petroleum Institute (API), that the time for filing comments in the above-captioned proceeding be extended 30 days; and

It appearing, that each organization requires additional time for the formu-

lation and internal coordination of its comments; and

It further appearing, that comments from AMMI and API would be useful to the Commission; that the requested extension would not unduly delay the proceeding; and hence that a grant of the requests will serve the public interest, convenience, and necessity;

It is ordered, This 2d day of June, 1964, pursuant to § 0.251(b) of the rules and regulations, that the time for filing comments in this proceeding is extended to June 26, 1964, and that the time for filing reply comments is extended to July 6, 1964.

Released: June 3, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-5634; Filed, June 5, 1964; 8:51 a.m.]

[Docket Nos. 15440, 15441; FCC 64-482]

### CONTEMPORARY RADIO, INC. (WAYL) AND HUBBARD BROADCASTING, INC.

#### Order Designating Application for Hearing on Stated Issues

In re applications of Contemporary Radio, Inc. (WAYL), Minneapolis, Minn., Docket No. 15440, File No. BPH-4142, has 96.1 mc, No. 241; 10 kw; 72 ft., requests 94.5 mc, No. 233; 53 kw; 421 ft.; Hubbard Broadcasting, Inc., Minneapolis, Minn., Docket No. 15441, File No. BPH-4167, requests 94.5 mc, No. 233; 100 kw; 575 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 27th day of May 1964;

The Commission having under consideration the above-captioned and described applications and its order of April 29, 1964, designating such applications for hearing;

It appearing, that the Commission's order of April 29, 1964 did not include a specific finding concerning the applicants' basic qualifications, and that the Commission should reconsider and vacate such order on its own motion, pursuant to § 1.108 of the Commission's rules and section 405 of the Communications Act of 1934, as amended;

It further appearing, that the applicants are legally, technically, financially, and otherwise qualified to construct and operate as proposed but that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas, will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 1.108 of the Commission's rules and section 405 of the Communications Act of 1934, as amended, the Commission's order of April 29, 1964 in this proceeding is hereby vacated;

*It is further ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours, and the availability of other FM service (at least 1 mv/m) to said area and population.

2. To determine the areas and populations which may be expected to gain or lose FM service (at least 1 mv/m) from the operation of Station WAYL(FM) as proposed and the availability of other FM service (at least 1 mv/m) to such areas and populations.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered*, That, the issues in the above-captioned proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 2, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-5629; Filed, June 5, 1964;  
8:51 a.m.]

[Docket Nos. 15440, 15441; FCC 64M-487]

**CONTEMPORARY RADIO, INC.  
(WAYL) AND HUBBARD BROADCASTING, INC.**

**Order Scheduling Hearing**

In re applications of Contemporary Radio, Inc. (WAYL), Minneapolis, Minn., Docket No. 15440, File No. BPH-4142; Hubbard Broadcasting, Inc., Minneapolis, Minn., Docket No. 15441, File No. BPH-4167; for construction permits.

*It is ordered*, This 2d day of June 1964, that the order of the Chief Hearing Examiner released May 5, 1964 (FCC 64M-383) regarding the above-entitled applications, designating a presiding officer and specifying June 5, 1964 and July 8, 1964, respectively, as the dates for hearing conference and commencement of the formal hearing, is vacated: *And, it is further ordered*, Pursuant to the Commission's order for hearing on said applications which was released June 2, 1964 (FCC 64-482), that Walther W. Guenther shall serve as presiding officer in the proceeding; that the hearings therein shall commence July 23, 1964; that a prehearing conference shall be convened on June 30, 1964, at 9 a.m.; and that all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 2, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-5630; Filed, June 5, 1964;  
8:51 a.m.]

[Docket Nos. 15421-15423; FCC 64M-490]

**PAUL DEAN FORD (WPFR) ET AL.**

**Order Continuing Hearing**

In re applications of Paul Dean Ford (WPFR), Terre Haute, Ind., Docket No. 15421, File No. BPH-3954; Wabash Valley Broadcasting Corp. (WTHI), Terre Haute, Ind., Docket No. 15422, File No. BPH-4139; Radio WBOW, Inc., Terre Haute, Ind., Docket No. 15423, File No. BPH-4254; for construction permits.

The Hearing Examiner having under consideration the transcript of the pre-

<sup>1</sup> Commissioners Bartley and Loevinger absent.

hearing conference held herein on May 18, 1964 and the statement in behalf of Paul Dean Ford (WPFR) filed on May 26, 1964;

It appearing, that Paul Dean Ford and Wabash Valley Broadcasting Corp. propose to apply for increased facilities on their presently assigned channels in the event of adoption by the Commission of any of the alternatives presently presented in Docket 14185 and have stated that in such event their above-entitled applications will be dismissed;

It further appearing, that the proceeding herein at the conclusion of the said prehearing conference was recessed without date as a consequence of the foregoing matters and that an order should issue formalizing indefinite continuance of the hearing presently scheduled to commence on July 6, 1964;

*It is ordered*, This 1st day of June 1964 that the hearing herein presently scheduled to commence on July 6, 1964 is continued without date.

Released: June 3, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-5631; Filed, June 5, 1964;  
8:51 a.m.]

[Docket No. 15247; FCC 64M-494]

**FRANKLIN BROADCASTING CO.  
ET AL.**

**Order Continuing Hearing**

In re application of Franklin Broadcasting Co. (Transferor) and William F. Johns, Sr. and William F. Johns, Jr. (Transferees), Docket No. 15247, File No. BTC-4303; for transfer of control of WLOD, Inc., Licensee of Station WLOD, Pompano Beach, Fla.

The Hearing Examiner having before him a Motion for Continuance filed by Franklin Broadcasting Co. on June 1, 1964, requesting continuance of hearing in the above-entitled proceeding from June 8, 1964, to September 8, 1964; and

It appearing that the Broadcast Bureau, the only other party to the proceeding, has consented to the requested continuance;

*It is ordered*, This 2d day of June, 1964, that the Motion for Continuance described above is granted; and the hearing now scheduled for June 8, 1964, is continued to September 8, 1964.

Released: June 3, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-5632; Filed, June 5, 1964;  
8:51 a.m.]

[Docket Nos. 14730; FCC 64M-492]

**W. A. HENLEY AND KIMBLE  
COMMUNICATIONS**

**Order Continuing Hearing**

In re application of W. A. Henley d/b as Kimble Communications, Docket No.

14730, File Nos. 2397/2398-C1-P-62; for construction permits to establish stations in the Point-to-Point Microwave Radio Service near Kerrville, and at Midway, Tex.

A hearing conference having been held on June 2, 1964;

*It is ordered*, This 2d day of June 1964, that further hearing herein shall commence on June 25, 1964, at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: June 3, 1964.

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

[F.R. Doc. 64-5633; Filed, June 5, 1964;  
8:51 a.m.]

[Docket No. 14611; FCC 64M-495]

**PROGRESS BROADCASTING CORP.  
(WHOM)**

**Order Continuing Hearing**

In re application of Progress Broadcasting Corp. (WHOM), New York, N.Y., Docket No. 14611, File No. BP-13915; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, This 3d day of June 1964, that the hearing herein now scheduled for June 8, 1964, be and the same is continued to a date to be hereinafter determined;

*It is further ordered*, That oral argument is hereby scheduled for June 8, 1964, 2 p.m., in the Commission's offices, Washington, D.C., upon the applicant's petition filed May 1, 1964, requesting the postponement of certain dates for the exchange of exhibits and hearing.

Released: June 3, 1964.

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

[F.R. Doc. 64-5635; Filed, June 5, 1964;  
8:51 a.m.]

[Docket Nos. 15139-15141; FCC 64M-491]

**QUALITY BROADCASTING CORP.  
ET AL.**

**Order Continuing Hearing**

In the matter of revocation of license of Quality Broadcasting Corp., for Standard Broadcast Station WKYN, San Juan, P.R., Docket No. 15139; revocation of license of Supreme Broadcasting Co., Inc., of Puerto Rico for FM Broadcasting Station WFQM, San Juan, P.R., Docket No. 15140; revocation of license of Radio Americas Corp., for FM Broadcast Station WORA-FM, Mayaguez, P.R., Docket No. 15141.

*It is ordered*, This 2d day of June 1964, on the Hearing Examiner's own motion, that further hearing in the above-entitled proceeding shall be held on the 18th day of June 1964 commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: June 3, 1964.

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

[F.R. Doc. 64-5636; Filed, June 5, 1964;  
8:52 a.m.]

[Docket No. 15176 etc.; FCC 64M-493]

**RADIO STATION WTIF, INC., ET AL.**

**Memorandum Opinion and Order  
Scheduling Hearing**

In the matter of revocation of license of radio station WTIF, Inc. For standard broadcast station WTIF, Tifton, Ga., Docket No. 15176; in re applications of WDMG, Inc., Docket No. 15177, File No. BR-1709, for renewal of license of standard broadcast station WDMG, Douglas, Ga.; WMEN, Inc., Docket No. 15274, File No. BR-3030, for renewal of license of standard broadcast station WMEN, Tallahassee, Fla.; B. F. J. Timm, Jacksonville, Fla., Docket No. 15275, File No. BP-13649; for construction permit.

1. The Hearing Examiner has before him: (1) "Motion to Quash" a subpoena<sup>1</sup> served in the above-entitled matter on B. F. J. Timm through his attorneys on April 23, 1964, directing Timm to appear on May 4, 1964, and to produce the following documents:

Profit and loss statements, balance sheets, auditors' worksheets, minute books, books of account, payroll records, capital account books and corporate income tax returns of WDMG, Inc. for the years of 1953 to 1962, inclusive; and the personal income tax returns of B. F. J. Timm and Beth L. Timm for the years of 1953 to 1962 which show their salaries, commissions, bonuses, directors' fees, dividends, and other forms of compensation received, as an officer, director, stockholder, employee, or personally during the aforesaid years from WDMG, Inc.

(2) "Response of Broadcast Bureau to Motion to Quash," filed by the Broadcast Bureau on May 8, 1964, and (3) the transcript of an oral argument held before the Hearing Examiner (on the Motion to Quash) on May 19, 1964.

2. Timm contends that he has a right to see the request for the subpoena. He has shown no rule or precedent of the Commission to permit his examination of the request and since the request is in a file of the Dockets Division marked "Not For Public Inspection" and the Commission has traditionally not disclosed such requests for subpoenas, the Hearing Examiner will not now reveal the allegations in the request.

3. Timm states that the production of the records would be onerous and would work a genuine hardship on the movants; further, that the material requested bears no relevance or materiality to the issues. As to the first, the Hearing Examiner has considerable sympathy—the thought occurs that the

<sup>1</sup> On April 7, 1964 an earlier subpoena duces tecum was served on Timm. A motion to quash was filed. Both are null as a result of the earlier subpoena's having been withdrawn.

information requested could have been sought and produced at an earlier stage of the proceeding. On the other hand, the movants, if they truly desire full exoneration in these complicated and interrelated matters, should not be heard to complain, when very little procedurally remains in the cases, against the preparation of these data even though such preparation may be tedious and time-consuming. This is especially true when the very existence of the licensee as a broadcaster (and a financially successful one, too) is at stake. This is not to imply that a licensee's desperation may ever be an excuse for extreme or harassing treatment by a regulatory agency, but only that a posture herein has been reached, willy-nilly, where exoneration requires complete katharsis. On the question of relevance and materiality, the Hearing Examiner has no qualms and does not opine that he is required to set forth his evidential views in a situation whose facets under the issues are immediately patent.

*Accordingly, it is ordered*, This second day of June 1964, that the aforesaid Motion to Quash be denied; and

*It is further ordered*, That the return date of the subpoena be June 22, 1964; and

*It is further ordered*, That further hearing in this matter now continued without date is hereby scheduled to commence at 10 a.m., June 24, 1964 in the Commission's Office in Washington, D.C.

Released: June 3, 1964.

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

[F.R. Doc. 64-5637; Filed, June 5, 1964;  
8:52 a.m.]

**FEDERAL POWER COMMISSION**

[Docket Nos. G-18740 etc.]

**CUMBERLAND NATURAL GAS CO.,  
INC., ET AL.**

**Order Denying Stay of Order, Granting Rehearing and Reconsideration of Order, Vacating Order in Part, Denying Modification of Temporary Certificates, Granting Interventions, Consolidating Proceedings and Setting Date of Hearing**

JUNE 1, 1964.

Cumberland Natural Gas Company, Inc., Docket No. G-18740; J. C. Miller Oil Company, Inc., Docket No. G-18743; Truman Drake, Docket No. G-18744; Creek Oil Company, Inc., Docket No. CI64-457; J. C. Miller Oil Company, Inc., Docket No. CI64-1107.

On June 8, 1959, J. C. Miller Oil Company, Inc. (Miller) filed in Docket No. G-18743 and Truman Drake filed in Docket No. G-18744, applications for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act for authority to sell natural gas to Cumberland Natural Gas Co., Inc. (Cumberland).

Cumberland concurrently filed a related application in Docket No. G-18740, for a certificate of public convenience and necessity pursuant to section 7(c) of the Act, for authority to construct gathering facilities and to sell natural gas to Texas Gas Transmission Corp. (Texas Gas).

All of the above applications contained requests for the issuance of temporary certificates, and temporary certificates were issued in all three dockets. However, action on the permanent certificates was held in abeyance pending receipt of further information.

Notice of the filing of these applications was issued April 7, 1964 (29 F.R. 5518).

On October 16, 1963, Creek Oil Co., Inc. (Creek) filed in Docket No. CI64-457 an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Act, for authority to sell natural gas to Cumberland. Cumberland thereupon amended its application in Docket No. G-18740 to include construction and operation of additional facilities necessary to purchase the gas from Creek.

Tartan Oil Co. (Tartan) filed petitions for leave to intervene in Docket Nos. CI64-457 and G-18740 on November 14, 1963, and December 11, 1963, respectively.

On March 18, 1964, Miller filed in Docket No. CI64-1107 an application, pursuant to section 7(b) of the Act, for permission and approval to abandon the sale of gas and use of facilities temporarily authorized in Docket No. G-18743. Notice of this application was issued March 24, 1964 (29 F.R. 4690) and a petition for leave to intervene together with an objection and motion to dismiss the abandonment application and terminate that proceeding, was thereupon filed by Cumberland on April 20, 1964.

On April 2, 1964, an order was entered in Docket Nos. G-18740 and CI64-457 granting, *inter alia*, a temporary certificate to Creek to sell gas to Cumberland as proposed in its application, denying Tartan's petition for leave to intervene in that proceeding, and amending the temporary certificate previously granted to Cumberland to conform to Cumberland's application as amended.

On May 4, 1964, Tartan filed a petition for (1) rehearing and/or reconsideration of our order of April 2, 1964, (2) stay of said order pending such rehearing and (3) vacation of said order to permit Tartan to intervene in Docket No. CI64-457. The petition further requests certain amendments to be made of the temporary certificates issued in Docket Nos. G-18740 and CI64-457.

The petition seeks vacation of the Commission's order for the purpose of allowing Tartan full participation in the matters relating thereto for the purpose of showing that the reserves of Creek, and the availability of gas therefrom are so small (700 Mcf daily or a maximum of 255,500 Mcf annually) it is not in the public interest to grant authorization for the sale thereof, or for the construction of facilities by Cumberland to the source thereof.

Tartan further asserts the proposals of Creek to sell and deliver gas to Cumberland at the rate of 360,000 Mcf annually from reserves stated to be only 1,000,000 Mcf will exhaust Creek's reserves in three years, and such rapid drainage can cause water to rise in the area of Creek's well so as to cut the field in two, defeat recovery of gas from other parts of the field, and make eventual use of the field for storage of off-peak gas for peak-day deliveries impossible.

In addition to the assertions that it is uneconomic to permit Creek to sell gas to Cumberland and to permit Cumberland to extend its facilities to Creek's production, Tartan assails the Commission action in granting Creek and Cumberland temporary authorizations on the asserted grounds (1) that no emergency situation exists permitting temporary authorizations to be issued by the Commission, and (2) the Commission erroneously held that in any event Tartan had not demonstrated any basis for intervention, since the functions of prorating takes and adjusting correlative private rights of producers are within the purview of the State of Kentucky, and not of the Commission.

It is clear that, even assuming the existence of Tartan's assertions of fact, it would not be appropriate for the Commission to stay its order of April 2, 1964. To stay our said order and/or to modify the temporary authorizations granted to Creek and Cumberland would, under the circumstances, be tantamount to denying Creek the very right being presently exercised by Tartan; namely, the production of natural gas from its properties.

However, it appears from the petition filed by Tartan that Tartan may be in a position to provide useful information to the Commission in the hearing with respect to the over-all nature of Cumberland's activities which is clearly warranted by the various allegations which have been made in these several dockets.

It also appears that the public interest would be served by setting for early consolidated hearing the various certificate applications plus Miller's application to abandon its sales to Cumberland.

As purchaser of the gas, Cumberland has an interest in said abandonment proceeding that is not adequately represented by existing parties. However, it is clear that there can be no basis for denying Miller the right to a hearing on his abandonment application, and Cumberland's petition to dismiss or terminate that proceeding must be rejected.

The Commission finds:

(1) The grounds relied on by Petitioner Tartan in Docket Nos. CI64-457 and G-18740 are insufficient to warrant stay of our order of April 2, 1964, or any modification of the temporary certificates issued in said proceedings.

(2) Upon reconsideration of the petition of Tartan for leave to intervene in Docket No. CI64-457, and upon initial consideration of the petitions of Tartan for leave to intervene in Docket No. G-18740 and of Cumberland for leave to intervene in Docket No. CI64-1107, it appears that the participation of the above-named Petitioners in said proceedings may be in the public interest, and

that we should exercise our discretion to permit its intervention.

(3) These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations.

The Commission orders:

(A) The motions of Tartan that our order of April 2, 1964, be stayed or, in lieu thereof, that the temporary certificates issued in Docket Nos. CI64-457 and G-18740 be modified, is hereby denied.

(B) The petition of Tartan for rehearing and/or reconsideration of our denial of Tartan's petition for leave to intervene in Docket No. CI64-457, is hereby granted, and paragraph (K) of our order of April 2, 1964, is hereby vacated.

(C) Tartan is hereby permitted to intervene in Docket Nos. CI64-457 and G-18740 subject to the rules and regulations of the Commission.

(D) Cumberland is hereby permitted to intervene in Docket No. CI64-1107 subject to the rules and regulations of the Commission.

*Provided, however,* That the participation of each Intervener in these proceedings shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and

*Provided, further,* That the admission of such Interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered in these proceedings.

(E) The motion of Cumberland to dismiss the application of Miller and terminate the proceedings in Docket No. CI64-1107 is hereby denied.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 of the Natural Gas Act and the Commission's rules of practice and procedure, a consolidated hearing will be held on July 13, 1964, at 10 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street N.W., Washington, D.C., concerning the matters involved in and the issues presented by all of the applications listed in the heading hereto.

(G) Direct testimony and exhibits of all applicants shall be filed in accordance with the Commission's rules of practice and procedure (18 CFR 1.26) on or before July 8, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-5601; Filed, June 5, 1964; 8:45 a.m.]

[Docket No. CP64-224]

## THE MANUFACTURERS LIGHT AND HEAT CO.

### Notice of Application

MAY 28, 1964.

Take notice that on April 3, 1964, The Manufacturers Light and Heat Co. (Manufacturers), 800 Union Trust Build-

ing, Pittsburgh, Pa., 15219, filed an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain facilities and the service being rendered Mountain Gas Co. (Mountain Gas) in Hamlin Township, McKean County, Pa., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application reflects that Manufacturers presently delivers and sells approximately 85,000 Mcf of natural gas annually to Mountain Gas from Manufacturers' 8-inch Line No. 4226 in Hamlin Township, McKean County, Pa. under its CDS-1 Rate Schedule, contained in its FPC Gas Tariff, Fourth Revised Volume No. 1. Mountain Gas has requested termination of the service being rendered it by Manufacturers due to the fact that one of its customers, Pennzoil Co. has drastically reduced its take from Mountain Gas. Consequently, Mountain Gas states it will need no gas after May 1, 1964. Allegedly it has ample gas from its own production and independent producers to adequately supply its remaining customers.

Manufacturers states that upon termination of the sale to Mountain Gas it proposes to abandon its interconnection consisting of 35 feet of 2-inch line and 91 feet of 4-inch line, together with two (2) regulators and meters used to deliver gas to Mountain Gas. Notice of the cancellation of its service agreement of August 27, 1963, has been given to the Commission, to be effective April 25, 1964, in order to relieve Mountain Gas of any obligation for the payment of demand charges after April 25, 1964, the commencement date for the next billing period.

This matter is one 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 this application 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 this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant 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 June 22, 1964.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-5602; Filed, June 5, 1964;  
8:46 a.m.]

[Project No. 2353]

### MOOSE CREEK RANCH, INC., POWER SITE

#### Notice of Land Withdrawal; Idaho

JUNE 2, 1964.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2353 (Moose Creek Ranch, Inc., Power Site) for which an application for minor license was filed March 11, 1963, by Moose Creek Ranch, Inc., Orofino, Idaho (Correspondence to: Kenneth Christensen, 5031 Colonial Drive, Minneapolis, Minn.). This application has been supplemented by the filing of an exhibit K tracing on March 9, 1964. Under said section 24 the lands described below are from the date of filing of the completed application for license on March 9, 1964, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

#### BOISE MERIDIAN IDAHO

All portions of the following described subdivisions lying within the project boundaries as delimited on map exhibit "K" (FPC No. 2353-1) entitled "Moose Creek Ranch, Inc., Orofino, Idaho, Nezperce National Forest, Idaho," filed in the Federal Power Commission on March 9, 1964, which when surveyed will probably be described as follows:

- T. 33 N., R. 12 E. (Unsurveyed),  
Sec. 24, Unpatented portions SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 25, Unpatented portions N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 33 N., R. 13 E. (Unsurveyed),  
Sec. 30, Unpatented portions W $\frac{1}{2}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ .

The Commission's general determination of April 17, 1922 (43 CFR 103.8) is applicable to the transmission line portion of the project.

The area of U.S. lands reserved by the filing of this application is approximately 3.70 acres, all of which have been previously withdrawn for power purposes by Project No. 1996. All of these lands are within the Nezperce National Forest and are designated on current Forest Service maps as primitive or wilderness reserves. Portions of the project lands also are shown to be within an area designated as a game preserve.

This notice supersedes, in its entirety, that issued December 9, 1948, in connection with identical Project No. 1996.

Copies of the K map exhibit (FPC No. 2353-1) will be forwarded to the Bureau of Land Management, Geological Survey, and Forest Service.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-5603; Filed, June 5, 1964;  
8:46 a.m.]

[Docket Nos. G-6078 etc.]

### SHARPLES AND CO. PROPERTIES ET AL.

#### Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates; Cor- rection

JUNE 1, 1964.

Sharples and Co. Properties (successor to the Sharples Oil Corp.), and other applicants listed herein, Docket Nos. G-6078, etc.; Sohio Petroleum Co. (successor to M. D. Abel, et al. d/b/a Abel & Bancroft), Docket No. CI63-395.

In the Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates, issued May 20, 1964, and published in the FEDERAL REGISTER, May 28, 1964 (F.R. Doc. 64-5241; 29 F.R. 7036) change location to read "Acree in Nolan County, Texas" in lieu of "Nolan County, Oklahoma", in the chart, after Docket No. CI63-395.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-5605; Filed, June 5, 1964;  
8:46 a.m.]

### SECURITIES AND EXCHANGE COMMISSION

[File 7-2371]

#### TEXAS INDUSTRIES, INC.

#### Notice of Application for Unlisted Trading Privileges and of Oppor- tunity for Hearing

JUNE 2, 1964.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Texas Industries, Inc.----- File 7-2371

Upon receipt of a request, on or before June 18, 1964, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information

contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

(SEAL) ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-5607; Filed, June 5, 1964;  
8:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 3, 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. 39054: *Joint motor-rail rates—Southern Motor Carriers*. Filed by Southern Motor Carriers Rate Conference, agent (No. 91), 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 southern territory; also between points in southern territory, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 4 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1298 and other schedules named in the application.

FSA No. 39055: *Iron or steel sheet to Clinton, Iowa*. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2720), for interested rail carriers. Rates on iron or steel sheet, in carloads, from specified points in Ohio and Pennsylvania, also Newport, Ky., Sparrows Point, Md., and Weirton, W. Va., to Clinton, Iowa.

Grounds for relief: Barge and market competition.

Tariffs: Supplements 230 and 432 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. A-686 and 3388, respectively, also supplement 134 to Pennsylvania Railroad Company tariff I.C.C. 3327.

FSA No. 39056: *Liquid caustic soda to Enka, N.C.* Filed by O. W. South, Jr., agent (No. A4520), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Baton Rouge, La., to Enka, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 18 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 39057: *Joint motor-rail rates—Central and Southern*. Filed by The Central and Southern Motor Freight Tariff Association, Incorporated (No. 85), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of ap-

plicant rail and motor carriers, between points in central states territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 18 to Central and Southern Motor Freight Tariff Association, Incorporated, agent, tariff MF-I.C.C. 286.

FSA No. 39058: *Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent (No. 250), for and on behalf of Chicago & Eastern Illinois Railroad Company. Rates on gravel, as described in the application, in carloads, from Dickason Pit, Ind., to Altamont, Holland, and Moccasin, Ill.

Grounds for relief: Motortruck competition.

Tariff: Supplement 37 to Chicago & Eastern Illinois Railroad Company tariff I.C.C. 330.

FSA No. 39059: *Cotton between points in southern territory*. Filed by O. W. South, Jr., agent (No. A4521), for interested rail carriers. Rates on cotton, as described in the application, in carloads, between points in southern territory, also between points in southern territory, on the one hand, and Ohio and Mississippi River crossings, and points in Virginia, on the other.

Grounds for relief: Motortruck competition, short-line distance formula and grouping.

Tariff: Supplement 11 to Southern Freight Association, agent, tariff I.C.C. S-214.

By the Commission.

(SEAL) HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-5609; Filed, June 5, 1964;  
8:47 a.m.]

[Notice 994]

### MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66584. By order of May 25, 1964, the Transfer Board approved the transfer to Roland Heldt, Agnes Marie Heldt, Hertha L. Heldt, Mary Ann Davis, Diana Ruth Heldt, David Michael Heldt, and Grace Elaine Pogue, Roland Heldt, Agnes Marie Heldt, Hertha L. Heldt, and W. L. Powell, Trustees for Grace Elaine Pogue, a partnership, doing business as Heldt Brothers, Alice,

Tex., of Certificate in No. MC 18099, issued March 7, 1942, and the section 206 claimed "grandfather" rights in No. MC 18099 (Sub-No. 3) issued to and claimed by Arno Heldt and Roland Heldt, a partnership, doing business as Heldt Brothers, Alice, Tex., authorizing the transportation of: Machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in parts of Texas, and those operations pursuant to Certificate No. 5146, dated December 20, 1961, issued by the Railroad Commission of Texas. James R. Boyd, Post Office Box 922, Austin, Tex., attorney for applicants.

No. MC-FC 66628. By order of May 28, 1964, the Transfer Board approved the transfer to Lester J. MacDonald, Huntingdon, Pa., of Certificate in No. MC 75327, issued July 29, 1957, to J. A. Mock and D. G. Mock, a partnership, doing business as J. A. Mock & Son, Huntingdon, Pa., authorizing the transportation of: Paper and paper articles, from Huntingdon, Pa., to Baltimore and Frederick, Md., Elmira and Rochester, N.Y., Richmond, Va., Washington, D.C., and Wilmington, Del.; canned goods, from Camden, N.J., and Aberdeen, Frederick, Gaithersburg, and Baltimore, Md., to Huntingdon, Pa.; agricultural commodities, from Rochester, and points in New York within 20 miles of Rochester to Baltimore, Md., and Huntingdon, Pa.; and sugar, from Baltimore, Md., to Huntingdon, Pa. John W. Frame, Box 626, Camp Hill, Pa., representative for applicants.

No. MC-FC 66649. By order of May 28, 1964, the Transfer Board approved the transfer to Contos-Speedway Express, Inc., 16 Summit Avenue, Salem, Mass., of Certificate in No. MC 49759, and the certificate of registration in No. MC 49759 (Sub-No. 2), issued May 23, 1962, and March 30, 1964, respectively, to John L. Tranos, doing business as Contos-Speedway Express, 16 Summit Avenue, Salem, Mass., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Boston, Chelsea, Revere, Saugus, Lynn, Salem, Peabody, and Beverly, Mass., and general commodities, over irregular routes anywhere in Massachusetts, and between various named points in Massachusetts over regular routes.

No. MC-FC 66705. By order of May 28, 1964, the Transfer Board approved the substitution of Herman A. Burmeister, doing business as Lima-Honeoye Falls Express, Honeoye Falls, N.Y., in lieu of Herman O. Burmeister, Mildred H. Burmeister, administratrix, and Herman A. Burmeister, a partnership, doing business as Lima-Honeoye Falls Express, Honeoye Falls, N.Y., as applicant in No. MC 56691 (Sub-No. 1) for a certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act supported by New York Certificate No. 2454, issued

June 26, 1940, authorizing the transportation, over a regular route, of general commodities, between the city of Rochester and the village of Honeoye Falls, N.Y. Robert V. Gianniny, 900 Midtown Tower, Rochester 4, N.Y., attorney for applicants.

No. MC-FC 66795. By order of May 28, 1964, the Transfer Board approved the transfer to John P. Townsend, doing business as Townsend Trucking Co., Westfield, N.J., of the operating rights in Certificate in No. MC 44470, issued July 30, 1956, to John P. Townsend and Lewis J. Speakman, Jr., a partnership, doing business as Townsend Trucking Co., Westfield, N.J., authorizing the transportation, over irregular routes, of general commodities, except classes A and B explosives, household goods, commodities in bulk, and those requiring special

equipment, between points in a specified portion of New Jersey, on the one hand, and, on the other, New York, N.Y., and Newark, N.J. Alvin Altman, 1776 Broadway, New York 19, N.Y., attorney for applicants.

No. MC-FC 66807. By order of May 28, 1964, the Transfer Board approved the transfer to Finger Lakes Trucking, Inc., Watkins Glen, N.Y., of the operating rights in Certificate in No. MC 4064, issued May 9, 1949, to Ralph C. Leonard, doing business as R. C. Leonard Truck Lines, Watkins Glen, N.Y., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Watkins Glen, N.Y., and Ovid, N.Y., and between Elmira, N.Y., and Watkins Glen, and Penn Yan, N.Y.

Martin Werner, 2 West 45th Street, New York 36, N.Y., attorney for applicants.

No. MC-FC 66825. By order of May 28, 1964, the Transfer Board approved the transfer to Lambert L. Bailey, doing business as Bailey Truck Line, Hiawatha, Kans., of the operating rights in Certificate in No. MC 69852, issued August 11, 1955, to H. H. Taylor, White Cloud, Kans., authorizing the transportation, over a regular route, of general commodities, excluding household goods, commodities in bulk, and other specified commodities between White Cloud, Kans., and South St. Joseph, Mo. Erle W. Francis, 214 West Sixth Street, Topeka, Kans., attorney for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-5610; Filed, June 5, 1964; 8:47 a.m.]

### CUMULATIVE CODIFICATION GUIDE—JUNE

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 June.

	Page		Page		Page
<b>1 CFR</b>		<b>10 CFR</b>		<b>21 CFR—Continued</b>	
CFR Checklist.....	7139	PROPOSED RULES:		37.....	7240
<b>3 CFR</b>		30.....	7393	121.....	7240, 7318, 7382
PROCLAMATIONS:		<b>12 CFR</b>		130.....	7149
3593.....	7281	1.....	7283	PROPOSED RULES:	
<b>5 CFR</b>		<b>13 CFR</b>		15.....	7392
213.....	7235, 7380	107.....	7144	16.....	7247
PROPOSED RULES:		121.....	7312	<b>25 CFR</b>	
890.....	7327	PROPOSED RULES:		221.....	7284
<b>7 CFR</b>		107.....	7151	PROPOSED RULES:	
1.....	7311	<b>14 CFR</b>		221.....	7286
28.....	7374	71 [New].....	7145,	<b>28 CFR</b>	
718.....	7311	7146, 7237, 7238, 7313, 7314		0.....	7383
722.....	7312	73 [New].....	7314	<b>29 CFR</b>	
728.....	7139	75 [New].....	7238	603.....	7149
908.....	7375	97 [New].....	7365	PROPOSED RULES:	
910.....	7235, 7375	99 [New].....	7146	516.....	7289
916.....	7139-7141	302.....	7314	551.....	7289
917.....	7141-7143	507.....	7238, 7315	<b>30 CFR</b>	
923.....	7375	PROPOSED RULES:		10.....	7318
965.....	7143, 7376	4b.....	7170	11.....	7319
980.....	7143, 7377	25 [New].....	7170	12.....	7319
1002.....	7283	61 [New].....	7150	13.....	7319
1032.....	7235	71 [New].....	7328	14.....	7319
1040.....	7377	75 [New].....	7328, 7329	14a.....	7320
1042.....	7378	507.....	7247	15.....	7320
1043.....	7379	<b>15 CFR</b>		16.....	7320
1074.....	7235	201.....	7316	17.....	7321
1485.....	7312	<b>16 CFR</b>		18.....	7321
PROPOSED RULES:		13.....	7147-7149	19.....	7321
51.....	7242, 7327	402.....	7316	20.....	7321
1001.....	7150	<b>17 CFR</b>		21.....	7322
1006.....	7150	231.....	7317	22.....	7322
1007.....	7150	240.....	7239, 7283, 7380	23.....	7322
1014.....	7150	<b>18 CFR</b>		24.....	7322
1015.....	7150	PROPOSED RULES:		25.....	7322
1125.....	7246	141.....	7330	26.....	7322
1131.....	7286	260.....	7330	27.....	7322
<b>8 CFR</b>		<b>19 CFR</b>		31.....	7323
236.....	7236	PROPOSED RULES:		32.....	7323
242.....	7236	1.....	7327	33.....	7323
246.....	7236	<b>21 CFR</b>		34.....	7323
<b>9 CFR</b>		1.....	7284	35.....	7323
74.....	7236	3.....	7382	36.....	7323
78.....	7237	<b>33 CFR</b>			
94.....	7237	203.....	7383		

<b>36 CFR</b>	Page	<b>46 CFR—Continued</b>	Page	<b>46 CFR—Continued</b>	Page
7-----	7324	35-----	7349	162-----	7360
<b>37 CFR</b>		50-----	7349	164-----	7360
<b>PROPOSED RULES:</b>		51-----	7349	167-----	7361
1-----	7150	52-----	7350	176-----	7362
<b>41 CFR</b>		55-----	7350	180-----	7390
11-1-----	7240, 7384	57-----	7351	182-----	7362
11-5-----	7384	59-----	7352	187-----	7362
11-7-----	7384	70-----	7352	<b>PROPOSED RULES:</b>	
11-60-----	7325	71-----	7352	290-----	7392
<b>43 CFR</b>		72-----	7353	<b>47 CFR</b>	
<b>PUBLIC LAND ORDERS:</b>		73-----	7353	2-----	7390
3401-----	7285	75-----	7353	<b>PROPOSED RULES:</b>	
<b>46 CFR</b>		76-----	7353	1-----	7292
2-----	7345, 7388	78-----	7353	21-----	7151
10-----	7346	90-----	7353	25-----	7395
25-----	7346, 7388	91-----	7353	34-----	7396
30-----	7347	98-----	7354	35-----	7396
31-----	7347	110-----	7355	91-----	7151
32-----	7347	111-----	7356	<b>49 CFR</b>	
33-----	7349	112-----	7358	97-----	7241
		113-----	7358	176-----	7390
		160-----	7358, 7388		



**FEDERAL REGISTER**  
 Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

