AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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PART I

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

# FEDERAL REGISTER

VOLUME 29 NUMBER 158

*Washington, Thursday, August 13, 1964*

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**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.**


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# Rules and Regulations

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

### PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

### Headquarters Office; Regional Office Relationship

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 200.11 is amended as set forth below:

**§ 200.11 Headquarters Office—Regional Office relationship.**

* * * * *

(b) *Regional Administrators of the Commission.*

* * * * *

*Region 7: California, Nevada, Arizona, Hawaii, Guam.* Regional Administrator, Box 36042, 450 Golden Gate Avenue, San Francisco, California, 94102.

* * * * *

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 77sss, 79t, 80a-37, 80b-11)

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

AUGUST 6, 1964.

[F.R. Doc. 64-8153; Filed, Aug. 12, 1964; 8:46 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

### PART 32—HUNTING

### Ouray National Wildlife Refuge, Utah

On page 9339 of the FEDERAL REGISTER of July 8, 1964, there was published a notice of a proposed amendment to §§ 32.21 and 32.31 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of big game and upland game on the Ouray National Wildlife Refuge, Utah, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER (sec. 10, 45 Stat. 1224; 16 U.S.C. 715i and sec. 4, 48 Stat. 451, as amended, 16 U.S.C. 718d).

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized:

**§ 31.21 List of open areas; upland game.**

* * * * *

UTAH

Ouray National Wildlife Refuge.

2. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

**§ 32.31 List of open areas; big game.**

* * * * *

UTAH

Ouray National Wildlife Refuge.

STEWART L. UDALL,
*Secretary of the Interior.*

AUGUST 7, 1964.

[F.R. Doc. 64-8165; Filed, Aug. 12, 1964; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 63-CE-55]

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

### Alteration of Control Zone; Correction

On July 23, 1964, F.R. Doc. 64-7299 was published in the FEDERAL REGISTER (29 F.R. 9892) and amended, in part, the Houghton, Mich., control zone. In the description of the control zone as amended, the coordinates of the Houghton Sands Airport were erroneous. Action is taken herein to correct this error.

Since this corrective action is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, F.R. Doc. 64-7299 (29 F.R. 9892) is altered as follows: The Houghton, Mich., control zone is amended by deleting "Houghton Sands Airport (latitude 41°06'40" N.; longitude 88°31'20" W.)." and substituting therefor "Houghton Sands Airport (latitude 47°06'40" N.; longitude 88°31'20" W.)."

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

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

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-8148; Filed, Aug. 12, 1964; 8:45 a.m.]

---

[Airspace Docket No. 64-WA-7]

### PART 75—ESTABLISHMENT OF JET ROUTES [NEW]

### Alteration

On March 7, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3164) stating that the Federal Aviation Agency (FAA) proposed realignment of jet route No. 89 as follows: From the Atlanta, Ga., VORTAC via the Crossville, Tenn., VORTAC; the Louisville, Ky., VORTAC; the Lafayette, Ind., VORTAC; to the Northbrook, Ill., VORTAC.

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

Since publication of the notice, it has been determined that the Crossville VORTAC is not required in the structure of J-89 between Atlanta and Louisville. Flight check has revealed that the minimum reception altitude between Atlanta and Louisville is 18,000 feet MSL. Therefore, no action is taken herein to alter this segment. This will result in fewer reporting points, less communications requirements and better air traffic service.

Therefore, for the reasons stated herein and in the notice, the following action is taken:

In § 75.100 (29 F.R. 1287) Jet Route No. 89 is amended as follows: In the text "INT of Louisville 334° and the Northbrook, Ill., 159° radials" is deleted and "Lafayette, Ind.;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 17, 1964.

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

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

H. B. HELSTROM,
*Acting Chief, Airspace Regulations and Procedures Division.*

[F.R. Doc. 64-8149; Filed, Aug. 12, 1964; 8:45 a.m.]

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

[Reg. Docket No. 6091; Amdt. 386]

# 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 low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR 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 | |
| Augusta VOR | AU-LFR | Direct | 2100 | T-d | 400-1 | 400-1 | 400-1 |
| | | | | T-n* | 500-1 | 500-1 | 500-1 |
| | | | | C-d | 600-1 | 600-1 | 600-1½ |
| | | | | C-n* | 600-1½ | 600-1½ | 600-1½ |
| | | | | A-dn* | 800-2 | 800-2 | 800-2 |

Procedure turn# S side of crs, 226° Outbnd, 046° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 080°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing AU LFR, make left climbing turn to 2100′, return to AU Rng. Hold SW, 046° Inbnd, 1-minute, right turns.
NOTE: This procedure not approved for ADF approach.
*AIR CARRIER NOTE: Night operations restricted to Runway 17-35.
#Final approach from a holding pattern at AU LFR not authorized. Procedure turn required. MSA: N Quadrant, 4600′; E Quadrant, 2300′; S Quadrant, 1600′; W Quadrant 4200′.

City, Augusta; State, Maine; Airport Name, Augusta State; Elev., 357′; Fac. Class., BMRLZ; Ident., AU; Procedure No. 1, Amdt. 7; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 6; Dated, 5 Aug. 61

2. 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 | |
| Eagle FM | LOM | Direct | 4300 | T-dn | 300-1 | 300-1 | 200-½ |
| Boise VOR | LOM | Direct | 4300 | C-dn | 400-1 | 500-1 | 500-1½ |
| Parma Int | LOM (final) | Direct | 4000 | S-dn-10R-L | 400-1 | 400-1 | 400-1 |
| Reynolds Int | LOM | Direct | 5000 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 096°—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 LOM, climb to 5500′ on crs of 111° from Boise LOM within 10 miles, all turns S.
MSA: 000°-090°—10,200′; 090°-180°—8700′; 180°-270°—8300′; 270°-360°—9600′.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., LOM; Ident., BO; Procedure No. 1, Amdt. 13; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 12; Dated, 8 Sept. 62

PROCEDURE CANCELLED EFFECTIVE 15 AUG. 1964 OR UPON DECOMMISSIONING OF FACILITY.

City, Dalhart; State, Tex.; Airport Name, Municipal; Elev., 3989′; Fac. Class., MH; Ident., DHT; Procedure No. 1, Amdt. 5; Eff. Date, 13 Oct. 62; Sup. Amdt. No. 4; Dated, 10 Dec. 54

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 | |
| Broomfield Int | EGW RBn | Direct | 8200 | T-dn | 300-1 | 300-1 | 200-½ |
| Denver VOR | EGW RBn | Direct | 8200 | C-dn* | 500-1 | 500-1 | 500-1½ |
| Watkins Int | EGW RBn | Direct | 8200 | S-dn-35* | 500-1 | 500-1 | 500-1 |
| Sllo Int | EGW RBn | Direct | 8200 | A-dn | 800-2 | 800-2 | 800-2 |
| Franktown Int | EGW RBn | Direct | 8200 | | | | |
| Larkspur Int# | Sedalia Int | Direct | 10,000 | | | | |
| Sedalia Int | EGW RBn | Direct | 8200 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200′ within 10 miles.
Minimum altitude over facility on final approach crs, 7400′; over OM, 6200′.
Crs and distance, facility to airport, 349°—9.1 miles; OM to airport, 349°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing EGW RBn, climb to 7000′ on 349° bearing from EGW RBn within 20 miles or, when directed by ATC, climb to 7000′ direct to DEN VOR.
#Larkspur Int: Int IOC VOR R-232 and 169° bearing from EGW RBn.
*If OM is not received 900-2 minimums apply.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., MHW; Ident., EGW; Procedure No. 2, Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 26 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Pike Int | Trout Int (final) | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| LAX LOM | Trout Int | Direct | 2000 | C-dn | 500-1 | 600-1 | 600-1½ |
| LAX VOR | Trout Int | Direct | 2000 | S-dn-7R/L | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized.
Procedure turn S side of crs, 248° Outbnd, 068° Inbnd, 2000′ within 10.0 miles of Trout Int.
Minimum altitude over Trout Int on final approach crs, 1500′.
Crs and distance, Trout Int to Runway 7R-L, 068°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after crossing Trout Int, climb to 2000′ on crs of 068° no farther E than Downey FM/RBn.
Other change: Deletes transition from Malibu Int to Trout Int.
MSA: 045°-135°—4600′; 135°-225°—2500′; 225°-315°—4000′; 315°-045°—8200′.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126′; Fac. Class., LMM; Ident., AX; Procedure No. 2, Amdt. 4; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 3; Dated, 11 Jan 64

3. 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 | |
| JAN VOR | JA LOM or Ruth Int (final)* | Direct | 1300 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 1000-1 | 1000-1 | 1000-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | S-d-15 | 1000-1 | 1000-1 | 1000-1 |
| | | | | S-n-15 | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |
| | | | | If aircraft is equipped with operating ADF, marker beacon or DME receivers and position over JA LOM or Ruth Int* is identified, the following minimums are authorized: | | | |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-15# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 331° Outbnd, 151° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over JA LOM or Ruth Int, *1300′.
Crs and distance, facility to airport, 151°—11.7 miles; JA LOM or Ruth Int* to airport, 151°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.7 miles after passing JAN VOR, turn right, climb to 2000′ on JAN VOR R-163 within 20 miles.
MSA: 000°-090°—1700′; 090°-180°—1700′; 180°-270°—2900′; 270°-360°—1700′.
*Ruth Int: Int JAN VOR R-151 and 059° bearing from JAN RBn or 6.4-miles DME fix from JAN VOR.
#400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.

City, Jackson; State, Miss.; Airport Name, Allen C. Thompson; Elev., 345′; Fac. Class, BVORTAC; Ident., JAN; Procedure No. 1, Amdt. 3; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 2; Dated, 20 June 64

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 | |
| PBI-RBn | PBI VOR | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-9# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 275° Outbnd, 095° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 095°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing VOR, climb to 1500′ on PBI VOR R-095 within 20 miles of VOR.
NOTE: When authorized by ATC DME orbits may be used from 15 to 5 miles from R-181 clockwise through R-275 at 2000′ and from R-275 clockwise through R-358 at 1500′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
MSA: 000°-090°—1700′; 090°-180°—1400′; 180°-270°—2100′; 270°-360°—1400′.
#400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.

City, West Palm Beach; State, Fla.; Airport Name, Palm Beach International; Elev., 19′; Fac. Class., BVORTAC; Ident., PBI; Procedure No. 1, Amdt 3; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 2; Dated, 25 Apr. 64

4. 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 | |
| 5-mile DME Fix R-193 | AHN VORTAC (final) | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-2 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | When 5-mile DME fix received, minimum becomes: | | | |
| | | | | S-dn-2 | 400-1 | 400-1 | 400-1 |

Procedure turn E side of crs, 193° Outbnd, 013° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′ (1200′ when DME used).
Crs and distance, breakoff point to approach end Runway 2, 020°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AHN VOR climb to 2300′ on R-062 within 20 miles.
NOTE: When authorized by ATC, DME may be used from 010° CW to 330° within 15 miles at 2300′ to position aircraft for straight-in approach with the elimination of a procedure turn.
CAUTION: Tower 1038′ 4 miles W of facility.
MSA: 000°-090°—2000′; 090°-180°—1800′; 180°-270°—3000′; 270°-360°—2600′.

City, Athens; State, Ga.; Airport Name, Athens Municipal; Elev., 807′; Fac. Class., BVORTAC; Ident., AHN; Procedure No. TerVOR-2, Amdt. 2; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 1; Dated, 29 Sept. 62

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 5-mile DME Fix R-077 | AHN VORTAC (final) | Direct | 1200 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-27 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | When 5-mile DME fix received minimum becomes: | | | |
| | | | | S-dn-27 | 400-1 | 400-1 | 400-1 |

Procedure turn N side of crs., 077° Outbnd, 257° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′ (1200′ when DME used).
Crs and distance, breakoff point to approach end of Runway #27, 267°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of AHN VOR, climb to 2300′ on R-191 within 20 miles.
CAUTION: Tower 1038′ 4 miles W of facility.
NOTE: When authorized by ATC, DME may be used from R-010 CW to R-330 within 15 miles at 2300′ to position aircraft for straight-in approach with the elimination of a procedure turn.
MSA: 000°-090°—2000′; 090°-180°—1800′; 180°-270°—3000′; 270°-360°—2600′.

City, Athens; State, Ga.; Airport Name, Athens Municipal; Elev., 807′; Fac. Class., BVORTAC; Ident., AHN; Procedure No. TerVOR-27, Amdt. 2; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 1; Dated, 29 Sept. 62

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: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| AZO VOR | BTL VOR | Direct | 2200 | T-dn | 300-1 | 300-1 | 200-½ |
| LFD VOR | BTL VOR | Direct | 2600 | C-dn | 600-1 | 600-1 | 600-1½ |
| Marshall Int | Clark Int (final)* | Direct | 2000 | S-dn-31 | 600-1 | 600-1 | 600-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | The following minimums apply for aircraft equipped with DME or dual VORs and Clark Int* identified: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-31 | 500-1 | 500-1 | 500-1 |

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Facility on airport.
Crs and distance, Clark Int* to VOR, 298°—4.0 miles.
Crs and distance, breakoff point to Runway 31, 307°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over BTL VOR, climb to 3000′ and proceed to Hickory Int via BTL R-331 or, when directed by ATC, make right climbing turn to 2400′ on BTL R-036 then reverse crs to the left and return to the BTL VOR.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 3000′ via 12-mile DME arc 015° clockwise to 223° with the elimination of procedure turn.
MSA: 000°-090°—2400′; 090°—180°—2300′; 180°-270°—2100′; 270°—360°—2900′.
*Clark Int: Int BTL R-118 and AZO R-082 or 4-mile DME fix from BTL VOR.

City, Battle Creek; State, Mich.; Airport Name, W. K. Kellogg Regional Airfield; Elev., 941′; Fac. Class., L-BVORTAC; Ident., BTL; Procedure No. TerVOR-31, Amdt. Orig.; Eff. Date, 15 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| EO LFR | EUG VOR | Direct | 2300 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 800-1 | 800-1 | 800-1½ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | *If aircraft equipped to receive VOR and LFR simultaneously or equipped with DME and Junction City Int identified the following minimums apply: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-16# | 400-1 | 400-1 | 400-1 |

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2300′ within 10 miles.
Final approach from holding pattern at EUG VOR not authorized, procedure turn required.
Minimum altitude over Junction City Int on final approach crs, 1100′; over EUG VOR, 800′.
Facility on airport.
Crs and distance, Junction City Int to airport 167°—3.8 miles; breakoff point to approach end of Runway 16, 159°—0.6 mile (LMM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing EUG VOR, turn right, climb to 2300′ on R-347 within 10 miles.
CAUTION: High terrain E and W.
*If Junction City Int not identified authorized minimum over EUG VOR is 1100′.
#400-½ authorized, except for turbojet aircraft, with operative ALS and high-intensity runway lights.
MSA: 315°-045°—4200′; 045°-135°—5200′; 135°-225°—3900′; 225°-315°—4600′.

City, Eugene; State, Oreg.; Airport Name, Mahlon Sweet Field; Elev., 365′; Fac. Class., M-BVORTAC; Ident., EUG; Procedure No. TerVOR-16, Amdt. 5; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 4; Dated, 22 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| OOD VOR | Taylor VHF Int# | Via radar vectors* | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| Hi-Line VHF Int | Taylor VHF Int# | Via radar vectors* | 2400 | C-dn | 700-1 | 700-1 | 700-1½ |
| Ardmore VHF Int | Taylor VHF Int# | Via radar vectors* | 2400 | S-dn-6 | 700-1 | 700-1 | 700-1 |
| Taylor VHF Int# | PNE VOR (final) | Vectors 064° | 800 | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectors authorized in accordance with approved Philadelphia patterns.
Procedure turn not authorized.
Facility on airport.
Crs and distance breakoff point to runway, 058°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PNE VOR, climb on R-064 to 1500′ within 5 miles. Then make left climbing turn to 2400′.
Proceed direct PNE VOR. Hold SW 1-minute right turns, Inbnd crs 064°.
*Radar vectors to final approach fix are required. Final approach radial 244°.
#Taylor VHF Int: Int PTW R-132 and PNE R-244.
MSA: 000°-090°—1800′; 090°-180°—1500′; 180°-270°—2400′; 270°-360°—3000′.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120′; Fac. Class., L-VOR; Ident., PNE; Procedure No. TerVOR-6, Amdt. Orig; Eff. Date, 15 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Shirley Int% | PNE VOR (final) | Direct | 500 | T-dn | 300-1 | 300-1 | 200-½ |
| ARD VOR | Old Star Int# | Via radar vectors* | 2500 | C-dn | 700-1 | 700-1 | 700-1½ |
| Old Star Int# | PNE VOR (final) | Direct | 800 | S-dn-24 | 700-1 | 700-1 | 700-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |
| | | | | If Shirley Int% identified the following minimums apply: | | | |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-24 | 400-1 | 400-1 | 400-1 |

Procedure turn E or N side of crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles of Shirley Int.%
Direction of procedure turn to be issued with approach clearance.
Minimum altitude over facility on final approach crs, 800′ (500′ if Shirley identified).
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 24, 238°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PNE VOR, make a right climbing turn to 2000′ on R-049 within 10 miles, then return to VOR.
Hold NE 1-minute right turns, Inbnd crs 229°.
CAUTION: Standard obstruction clearance not provided over two smokestacks, 2.2 miles NE of field, elevation 306′ and 340′.
*Radar vectors authorized in accordance with Philadelphia approach control radar patterns.
#Old Star Int: Int ARD VOR R-187 and PNE VOR R-049.
%Shirley Int: Int PNE VOR R-049 and 319 bearing from PNE RBn.
MSA: 000°-090°—1800′; 090°-180°—1500′; 180°-270°—2400′; 270°-360°—3000′.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120′; Fac. Class., L-VOR; Ident., PNE; Procedure No. TerVOR-24, Amdt. 5; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 4; Dated, 29 June 63

5. 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: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| 20-mile fix (R-019) | 10-mile fix (R-019) | Direct | 4200 | T-dn* | 300-1 | 300-1 | 200-½ |
| 10-mile fix (R-019) | 7-mile fix (R-019) | Direct | 2700 | C-dn | 500-1 | 500-1 | 500-1½ |
| 7-mile fix (R-019) | 4-mile fix (R-019) | Direct | 1400 | S-dn-19 | 500-1 | 500-1 | 500-1 |
| 4-mile fix (R-019) | GFL VOR (final) | Direct | 800 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn not authorized.
Minimum altitude over facility on final approach crs 800′.
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 GFL VOR, climb straight ahead to 3000′ to Bacon Int.# Hold S of Bacon Int# on GFL VOR R-186, 1-minute right turns, 006° Inbnd.
CAUTION: 1. 535′ antenna (1.3 miles SSW of airport). 2. Turbulence may be encountered during this approach.
*300-1 required on Runawy 30.
#Bacon Int: Int GFL VOR R-186 and ALB VOR R-036.
MSA: 000°-090°—4000′; 090°-180°—5000′; 180°-270°—3500′; 270°-360°—4500′.

City, Glens Falls; State, N.Y.; Airport Name, Warren County; Elev., 328′; Fac. Class., L-BVORTAC; Ident., GFL; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff Date, 15 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-33# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn E side of crs, 151° Outbnd, 331° Inbnd, 2000′ between 19 miles and 29 miles of VOR.
Minimum altitude over 19-mile DME fix on final approach crs, 2000′.
Crs and distance, 19-mile DME fix to airport, 331°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 14-mile DME fix, turn right, climb to 2000′ on JAN VOR R-128, proceed to Rankin Int. Hold SE, 1-minute right turns, 308° Inbnd.
NOTE: When authorized by ATC, DME may be used within 30 miles to 21 miles at 2900′, to position aircraft for straight-in approach with the elimination of procedure turn.
#400-¾ authorized except for turbojet aircraft, with operative high-intensity runway lights.
MSA: 000°-090°—1700′; 090°-180°—1700′; 180°-270°—2900′; 270°-360°—1700′.

City, Jackson; State, Miss.; Airport Name, Allen C. Thompson; Elev., 345′; Fac. Class., H-BVORTAC; Ident., JAN; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 1 Aug. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MIA RBn | MIA VOR | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| MIA VOR | 5-mile DME or radar fix on R-107 or Alligator VHF/LF Int (final). | Direct | 1000 | C-d | 1000-1 | 1000-1 | 1000-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn* | NA | NA | NA |
| | | | | If 5-mile DME or radar fix on R-107 or Alligator VHF/LF Int received, the following minimums are authorized: | | | |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-9L## | 400-1 | 400-1 | 400-1 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 315° Outbnd, 135° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs 1500′; at 5-mile DME or radar fix on R-107 or Alligator VHF/LF Int,# 1000′.
Crs and distance, facility to airport, 107°—9.8 miles; 5-mile DME or radar fix on R-107 or Alligator VHF/LF Int# to airport, 107°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing 5-mile DME or radar fix on R-107 or Alligator VHF/LF Int,# or 9.8 miles after passing MIA VOR, climb to 1500′ on R-107 within 20 miles.
NOTE: This approach authorized during Opa-Locka tower hours of operation.
*No weather information available.
#Alligator VHF/LF Int. Int MIA VOR R-107 and 337° bearing from I-MFA LMM (FA).
##400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA: 000°-090°—2000′; 090°-180°—1400′; 180°-270°—1600′; 270°-360°—1200′.

City, Miami; State, Fla.; Airport Name, Opa-Locka; Elev., 9′; Fac. Class., H-BVORTAC; Ident., MIA; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 3; Dated, 21 Mar. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Hartstene Int/17.8-mile DME fix R-338 | OLM VOR | Direct | 3000 | T-dn | 300-1 | 300-1 | 200-½ |
| Harbor Int/10.0-mile DME fix R-338 | OLM VOR (final) | Direct | 1100 | C-dn | 900-1 | 900-1 | 900-1½ |
| Bayside Int | OLM VOR | Direct | 3000 | S-dn | NA | NA | NA |
| | | | | A-dn | 900-2 | 900-2 | 900-2 |
| | | | | *If aircraft equipped with VOR and DME or VOR and ADF receivers, and Budd Int is identified the following minimums apply: | | | |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-17 | 600-1 | 600-1 | 600-1 |

Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 3000′ within 15 miles.
Minimum altitude over Budd Int on final approach crs, 1100′; over OLM VOR 800′.
Crs and distance, Budd Int to airport 158°—4.7 miles; OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000′ on R-173 within 15 miles of OLM VOR; or when directed by ATC, turn left, climb to 3000′ on R-338 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 20 miles at 2000′ between R-315 clockwise to R-018 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
Other change: Deleted Budd Int description.
*If Budd Int not identified, authorized minimum over OLM VOR is 1100′.
MSA: 315°-045°—2000′; 045°-135°—4000′; 135°-225°—3500′; 225°-315°—3700′.

City, Olympia; State, Wash.; Airport Name, Olympia Municipal; Elev., 205′; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 1; Dated, 25 Jul. 64

VOR–DME 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 | |
| Pendleton LFR | PDT VOR | Direct | 3500 | T–dn | 300–1 | 300–1 | 200–½ |
| Gardena Int/19-mile DME fix R–005 | PDT VOR | Direct | 3500 | C–dn | 500–1 | 500–1 | 500–1½ |
| Pilot Rock Int/17-mile DME fix R–117 | PDT VOR | Direct | 4500 | S–dn–7# | 400–1 | 400–1 | 400–1 |
| Echo Int/12-mile DME fix R–234 | PDT VOR | Direct | 3500 | A–dn | 800–2 | 800–2 | 800–2 |
| Cold Springs Int/10-mile DME fix R–290 | PDT VOR | Direct | 3500 | | | | |
| Mission Int/10.7-mile DME fix R–070 | PDT VOR | Direct | 3500 | | | | |

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 071°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing PDT VOR, make left climbing turn, climb to 4000′ direct to PDT VOR, continue climb on R–251 within 10 miles of PDT VOR.
NOTE: When authorized by ATC, DME may be used within 8 miles at 3500′ to position aircraft for straight-in approach with elimination of the procedure turn.
#400–¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.
MSA: 315°–045°—3300′; 045°–135°—6200′; 135°–225°—6400′; 225°–315°—2900′.

City, Pendleton; State, Oreg.; Airport Name, Pendleton Municipal; Elev., 1493′ Fac. Class., H-BVORTAC; Ident., PDT; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 2 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Rockfort Int | GEG VOR | Direct | 5500 | T–dn | 300–1 | 300–1 | 200–½ |
| 20-mile DME fix R–073 | 11-mile DME fix R–073 | Direct | 5500 | C–dn | 500–1 | 500–1 | 500–1½ |
| 11-mile DME fix R–073 | GEG VOR | Direct | 4200 | S–dn–3# | 400–1 | 400–1 | 400–1 |
| Williams Int | Corskey Int | Direct | 4000 | A–dn | 800–2 | 800–2 | 800–2 |
| Amber Int | Corskey Int | Direct | 4000 | | | | |
| Tyler Int | Corskey Int | Direct | 4000 | | | | |
| Edwall Int/10.1-mile DME fix R–241 | Corskey Int | Direct | 4000 | | | | |
| Corskey Int | GEG VOR (final) | Direct | 3700 | | | | |

Radar transitions and vectoring utilizing Spokane Radar authorized in accordance with approved radar patterns.
When used in lieu of procedure turn, alinement on final approach heading within 10 miles of VOR is required.
Procedure turn S side of crs, 207° Outbnd, 027° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3700′.
Crs and distance, facility to airport, 027°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing GEG VOR, climb on R–026 to GE LOM, thence continue climb to 4500′ in a 1-minute right-turn holding pattern on R–026 NE of GE LOM or, when directed by ATC, make left climbing turn and climb to 4500′ on R–271 within 20 miles, all turns S side R–271, or make left climbing turn and return to VOR, climbing to 4000′.
NOTE: When authorized by ATC, DME may be used within 9 miles at 4000′ to position aircraft for straight-in approach with elimination of the procedure turn.
CAUTION: Terrain and tower 6031′ 16 miles NE of LOM; high terrain N through E of airport; 3188′ tower 4.8 miles SE of GE LOM; 4549′ TV tower 9.2 miles E of airport.
#400–¾ authorized, except for turbojet aircraft, with operarive high-intensity runway lights.
MSA: 000°–090°—6600′; 090°–180°—4600′; 180°–270°—4100′; 270°–360°—5100′.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., H-BVORTAC; Ident., GEG; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 2; Dated, 25 Jan. 64

6. 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 | | | | 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 | |
| Parma Int* | LOM (final) | Direct | 4000 | T–dn | 300–1 | 300–1 | 200–½ |
| Eagle FM | LOM | Direct | 4300 | C–dn | 400–1 | 500–1 | 500–1½ |
| BOI VOR | LOM | Direct | 4300 | S–dn–10L | 200–½ | 200–½ | 200–½ |
| 15-mile DME fix, R–347 BOI VOR | 15-mile DME fix, R–325 BOI VOR | Via 15-miles arc. | 8500 | A–dn | 600–2 | 600–2 | 600–2 |
| Nampa DME Int # * | LOM (final) | Direct | 4000 | | | | |
| Reynolds Int | LOM | Direct | 5000 | | | | |

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3900′.
Minimum altitude at glide slope interception Inbnd, 3900′.
Altitude of glide slope and distance to approach end of runway at OM 3900′—3.8 miles; at MM 3055′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5500′ on R–111 BOI VOR within 20 miles or, when directed by ATC, turn right and climb to 7500′ on R–212 BOI VOR within 20 miles or right climbing turn direct to BO LOM, shuttle climb W of BO LOM to 4300′ on W crs of BOI ILS within 10 miles.
NOTE: When authorized by ATC, DME may be used from 20 miles to 12 miles at 6500′ between radial 210 clockwise to radial 325 BOI VOR to position aircraft over Nampa Int for final approach with the elimination of procedure turn.
#Nampa DME Int: Int 12-mile DME fix, R–276 BOI VOR.
*Maintain 4000′ until interception of glide slope. Descend on glide slope to cross LOM at 3900′.

City, Boise; State, Idaho; Airport Name, Boise Air Terminal; Elev., 2858′; Fac. Class., ILS; Ident., I-BOI; Procedure No. ILS-10L, Amdt. 14; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 13; Dated, 5 Jan. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| Denver VOR | EGW RBn | Direct | 8200 | T-dn | 300-1 | 300-1 | 200-½ |
| Sedalia Int | EGW RBn/DME fix (final)% | Direct | 8200 | C-dn | *400-1 | 500-1 | 500-1½ |
| Silo Int | EGW RBn | Direct | 8200 | S-dn-35# | 200-½ | 200-½ | 200-½ |
| Franktown Int | EGW RBn | Direct | 8200 | A-dn | 600-2 | 600-2 | 600-2 |
| Broomfield Int | EGW RBn | Direct | 8200 | | | | |
| Larkspur Int@ | Sedalia Int | Direct | 10,000 | | | | |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200′ within 10 miles of EGW RBn.
Minimum altitude at glide slope interception 8200′.
Altitude and distance to approach end of runway at EGW RBn, 8200′—9.1 miles; at OM, 6917′—5.0 miles; at LMM, 5522′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 7000′ on N crs SPO ILS to Derby Int, hold N right turns, or when directed by ATC, make right climbing turn to 7000′, proceed direct to DEN VOR at 7000′.
*500-1 required for circling S of airport due to 5521′ tower 1.5 miles S of airport.
#500-1 required when glide slope not utilized. When both glide slope and OM not received, straight-in, circling, and alternate minimums become 900-2.
@Larkspur Int: S crs I-SPO ILS and IOC VOR R-232.
%Englewood DME fix (16.3-mile DME fix DEN VOR R-189).

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5331′; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS-35, Amdt. 3; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 2; Dated, 26 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Pike Int | Trout Int (final) | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| Los Angeles LOM | Trout Int | Direct | 2000 | C-dn | 500-1 | 600-1 | 600-1½ |
| Los Angeles VOR | Trout Int | Direct | 2000 | S-dn-7R/L | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized.
Procedure turn S side of W crs, 248° Outbnd, 068° Inbnd, 2000′ within 10.0 miles of Trout Int.
Minimum altitude over Trout Int on final approach crs, 1500′.
Crs and distance, Trout Int to airport, 068°—4.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after crossing Trout Int, climb to 2000′on E crs LAX ILS localizer no farther E than Downey FM/RBn.
Other change: Deletes transition from Malibu Int to Trout Int.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126′; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-7R/L (back crs), Amdt. 2; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 1; Dated, 12 Aug. 61

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| MIA VOR | Innes Int* | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| MF LOM | Innes Int* | Direct | 1500 | C-dn | 500-1 | 500-1 | 500-1½ |
| MI LOM | Innes Int* | Direct | 1500 | S-dn-9R# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1400′ within 10 miles of Innes Int.*
Procedure turn nonstandard due to ATC request.
Minimum altitude over Innes Int* on final approach crs, 1000′.
Crs and distance, Innes Int* to airport, 086°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Innes Int,* climb to 1500′ on E crs I-MIA ILS within 20 miles or, when directed by ATC, climb to 1500′ on crs 086° to MI LOM.
NOTE: 2-minute holding pattern over Innes Int,* left turns, 086° Inbnd, may be used in lieu of procedure turn.
*Innes Int: Int W crs I-MIA ILS/200° from MF LOM or R-160 MIA VOR.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class., ILS; Ident., I-MIA; Procedure No. ILS-9R (back crs), Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 18 May 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ORL VOR | Barton Int* | Direct | 1600 | T-dn | 300-1 | 300-1 | 200-½ |
| ORL LOM | Barton Int* | Direct | 1700 | C-dn | 400-1 | 500-1 | 500-1½ |
| MCO RBn | Barton Int* | Direct | 1600 | S-dn-25 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 066° Outbnd, 246° Inbnd, 1600′ within 10 miles of Barton Int.* Nonstandard due to Sanford NAS traffic to the N.
Minimum altitude over Barton Int* on final approach crs, 1300′.
Crs and distance, Barton Int* to airport, 246°—4.2 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing Barton Int,* turn right, climb to 2000′ on ORL VOR R-308 within 20 miles of ORL VOR or, when directed by ATC, climb straight ahead to 2000′ on the SW crs of ILS within 20 miles.
*Barton Int: Int NE crs of localizer (066°) and MCO VOR R-023 and 015° bearing from McCoy RBn.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Orlando; State, Fla.; Airport Name, Herndon; Elev., 113′; Fac. Class., ILS; Ident., I-ORL; Procedure, No. ILS-25 (back crs), Amdt. 3; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 2; Dated, 18 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| SAV VOR | Gloria Int* | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| SAV LOM | Gloria Int* | Direct | 1500 | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-27# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 1500′ within 10 miles of Gloria Int*.
Minimum altitude over Gloria Int* on final approach crs, 1200′.
Crs and distance, Gloria Int* to airport, 272°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Gloria Int, climb to 1700′ on 272° crs of SAV ILS, proceeding direct to SAV LOM or when directed by ATC, make right turn, climbing to 1500′, proceeding direct to SAV VOR.
*Gloria Int: Int E crs SAV ILS and SAV VOR R-180.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Savannah; State, Ga.; Airport Name, Trairs Field; Elev., 50′; Fac. Class., ILS; Ident., I-SAV; Procedure No. ILS-27 (back crs), Amdt. 2; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 1; Dated, 7 Mar. 64

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 | |
| Grand Beach Int | Prairie Int* | Via OXI R-345 and W crs ILS. | 2400 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-9 | 500-1 | 500-1 | 500-1 |
| Prairie Int* | Gordon Int (final)# | Direct | 2400 | A-dn | 800-2 | 800-2 | 800-2 |
| SBN VOR | Gordon Int# | Direct | 2400 | | | | |
| SB LOM | Gordon Int# | Direct | 2400 | | | | |
| Stillwell Int | Prairie Int* | Direct | 2400 | | | | |

Procedure turn N side of crs, 269° Outbnd, 089° Inbnd, 2400′ within 10 miles of Gordon Int.# Nonstandard due traffic.
Minimum altitude over Gordon Int# on final approach crs, 2400′.
Crs and distance, Gordon Int# to Runway 9, 089°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Gordon Int,# climb to 2200′ and proceed direct to SB LOM or, as directed by ATC, make left turn, climb to 2000′ and proceed direct to SBN VOR.
NOTES: No glide slope. No approach lights.
Simultaneous reception of ILS and VOR required to execute this approach.
*Prairie Int: Int W crs SBN localizer and OXI R-360.
#Gordon Int: Int W crs SBN localizer and SBN R-235.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I-SBN; Procedure No. ILS-9 (back crs), Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 10 Oct. 63

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| TLH LOM | Hedstrom Int* | Direct | 1800 | T-dn | 300-1 | 300-1 | 200-½ |
| TLH VOR | Hedstrom Int* | Direct | 1800 | C-dn | 400-1 | 500-1 | 500-1½ |
| TLH RBn | Hedstrom Int* | Direct | 1800 | S-dn-18# | 400-1 | 400-1 | 400-1 |
| Havana Int | Hedstrom Int (final)* | Direct | 1300 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn W side of crs, 358° Outbnd, 178° Inbnd, 1800′ within 10 miles of Hedstrom Int.*
Minimum altitude over Hedstrom Int* on final approach crs 1300′.
Crs and distance, Hedstrom Int* to airport 178°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Hedstrom Int,* climb straight ahead to 1600′ on the S crs of the ILS within 20 miles or turn left, climbing to 1800′ on R-248 TLH VOR and proceed to the VOR.
*Hedstrom Int: Int of N crs of localizer and R-265 THL VOR.
#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Tallahassee; State, Fla.; Airport Name, Tallahassee Municipal; Elev., 81′; Fac. Class., ILS Ident, I-TLH; Procedure No. ILS-18 (back crs), Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 18 Jan. 64

7. 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 (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue 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 | |
| 290 | 045 | Within: 30 miles | 1900 | Surveillance approach | | | |
| 045 | 290 | 20 miles | 1900 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-15, 33 | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-15# | 400-½ | 400-½ | 400-½ |
| | | | | S-dn-33* | 400-¾ | 400-¾ | 400-¾ |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

All bearings and distances are from radar antenna site with sector azimuths progressing clockwise. Radar control must provide 3 miles or 1000′ vertical separation from the following towers: 1949′—16.5 miles SW; 1949′—17 miles WSW; and 1049′—9.5 miles WSW.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 15: Turn right, climb to 2000′ on JAN VOR R-163 within 20 miles. Runway 33: Climb to 2000′ on JAN VOR R-151; proceed to JAN VOR.
#400-½ authorized except for turbojet aircraft, with operative ALS and high-intensity runway lights.
*400-¾ authorized except for turbojet aircraft, with operative high-intensity runway lights.

City, Jackson; State, Miss.; Airport Name, Allen C. Thompson Field; Elev., 345′; Fac. Class. and Ident., Jackson Radar; Procedure No. 1, Amdt. 1; Eff. Date, 15 Aug. 64; Sup. Amdt. No. Orig.; Dated, 27 June 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less: 65 knots or less | 2-engine or less: More than 65 knots | More than 2-engine, more than 65 knots |
| All directions | Radar site | Within 25 miles | 1600 | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn-23, 27, and 30. | 400-1 | 500-1 | 500-1½ |
| | | | | C-dn-5, 9, and 12. | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-23# | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-27, 30 | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-5, 9, and 12. | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar control will provide 1000′ vertical clearance within a 3-mile radius of antenna towers 995′—7.1 miles, 1003′—6.3 miles, S of radar antenna, and also must provide separation from restricted area R-2903A&D.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1600′ straight ahead, then proceed to JAX RBn or JAX VOR.

#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Jacksonville; State, Fla.; Airport Name, Thomas Cole Imeson; Elev., 52′; Fac. Class. and Ident., Imeson Radar; Procedure No. 1, Amdt. 6; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 5; Dated, 11 Jan. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | Within: | | Surveillance approach | | | |
| All directions | Radar site | 25 miles | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| 160° CW 250° | Radar site | 25-40 miles | 3000 | C-dn 9L, 9R, 12, 27L, 27R, 30. | 500-1 | 500-1 | 500-1½ |
| | | | | S-dn-9L, 27L, 27R, 12. | 500-1 | 500-1 | 500-1 |
| | | | | S-dn-9R, 30# | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area transition altitudes—Radar control will provide 1000′ vertical clearance within 3-mile radius of antenna towers 1049′, 997′, and 734′—11 miles NNE and 643′—20 miles SW. All bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb straight ahead to 1500′, then proceed direct to the MIA VOR or MIA "H".

#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class. and Ident., Miami Radar; Procedure No. 1, Amdt. 7; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 6; Dated, 20 June 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | Within: | | Precision approach | | | |
| All directions | Radar site | 25 miles | 2500 | | | | |
| All directions# | Radar site | 20 miles | 1500 | C-dn | 500-1 | 500-1 | 500-1½ |
| 170° | 224° | 4-15 miles | 1000 | S-dn-4R** | 200-½ | 200-½ | 200-½ |
| | | | | A-dn-4R | 600-2 | 600-2 | 600-2 |
| | | | | Surveillance approach | | | |
| | | | | T-dn* | 300-1 | 300-1 | 200-½ |
| | | | | C-dn | 600-1 | 600-1 | 600-1½ |
| | | | | S-dn-4L | 600-1 | 600-1 | 600-1 |
| | | | | S-dn-22R, 25L | 500-1 | 500-1 | 500-1 |
| | | | | S-dn-7R, 31R | 400-1 | 400-1 | 400-1 |
| | | | | A-dn-A11 | 800-2 | 800-2 | 800-2 |

All bearings are from the radar site with azimuth progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 4R, 4L, 7R: Make right climbing turn to 3000′ on JFK VOR R-078 to DPK VOR. Hold E 1-minute left turns, Inbnd crs 257°. Runway 22R, 25L, 31R: Make left climbing turn to 2000′ on JFK VOR R-190 to Sandy Hook Int. Hold S 1-minute right turns, Inbnd crs 010°.

#Except W of LGA VOR radials 046-220, 2500′ minimum altitude required.

CAUTION: Circling minimums do not provide standard clearance over 277′ stack 1.1 miles SSE of airport.

Other change: Deletes MSA information.

*Runway visual range 2000′ is authorized for takeoff on Runway 4R and 31L in lieu of 200-½ when 200-½ is authorized; provided associated high-intensity runway lights are operational.

**Runway visual range 2000′ also authorized for landing on Runway 4R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 212′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, John F. Kennedy; Elev., 12′; Fac. Class. and Ident., Kennedy Radar; Procedure No. 1, Amdt. 7; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 6; Dated, 2 Apr. 64

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| All directions | Radar site | Within 20 miles | *1600 | Surveillance approach | | | |
| | | | | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-dn-7, 13 | 500-1 | 500-1 | 500-1½ |
| | | | | C-dn-25, 31 | 400-1 | 500-1 | 500-1½ |
| | | | | S-dn-7, 13 | 500-1 | 500-1 | 500-1 |
| | | | | S-dn-25# | 400-1 | 400-1 | 400-1 |
| | | | | S-dn-31 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

*Radar control will provide 1000′ vertical clearance within a 3-mile radius of 749′ tower 6.5 miles WSW, and 687′ tower 3.7 miles W of airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished Runway 31 and 13: Climb to 2000′ on ORL VOR R-048 within 20 miles of ORL VOR. Runway 7: Climb to 2000′ on ORL VOR R-014 within 20 miles of ORL VOR. Runway 25: Climb to 2000′ on ORL VOR R-308 within 20 miles of ORL VOR.

#400-¾ authorized, except for turbojet aircraft, with operative high-intensity runway lights.

City, Orlando; State, Fla.; Airport Name, Herndon; Elev., 113′; Fac. Class. and Ident., Orlando Radar; Procedure No. 1, Amdt. 5; Eff. Date, 15 Aug. 64; Sup. Amdt. No. 4; Dated, 5 May 62

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 | |

PROCEDURE CANCELLED EFFECTIVE 15 AUG. 1964.

City, San Diego; State, Calif.; Airport Name, Miramar NAS; Elev., 475'; Fac. Class. and Ident., Miramar Radar; Procedure No. 1, Amdt. 2; Eff. Date, 11 May 63; Sup. Amdt. No. 1; Dated, 15 Apr. 61

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, 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 July 13, 1964.

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

[F.R. Doc. 64-7140; Filed, Aug. 12, 1964; 8:45 a.m.]

## Chapter II—Civil Aeronautics Board

### SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-24]

## PART 399—STATEMENTS OF GENERAL POLICY

### Blocked Space Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of August 1964.

The Board in 29 F.R. 1476, and by circulation of a notice of proposed rule making in EDR-48B and PSDR-8, dated January 23, 1964, Docket 14148, gave notice that it had under consideration amendments to Part 207 of the Board's Economic Regulations and the adoption of a Statement of General Policy in Part 399 favoring the sale by all-cargo carriers of blocked space at wholesale rates to combination carriers. By a supplemental notice of proposed rule making, EDR-48F and PSDR-8D, June 22, 1964, 29 F.R. 8121, the Board set these matters for oral argument and raised the additional question of whether all-cargo carriers should also be permitted to sell blocked space to air freight forwarders and other large volume shippers.

After considering the comments and exhibits submitted and having heard the oral argument, the Board has concluded to adopt a policy approving the exclusive right of all-cargo carriers to sell blocked space to combination carriers, air freight forwarders and large volume shippers. A decision with respect to the proposed amendments to Part 207 of our regulations will be announced at a later date.

It is clear that there already exists a distinction between the combination carriers on the one hand and the all-cargo carriers on the other inherent in the terms of their certificates of public convenience and necessity and their operating responsibilities thereunder. Thus, the Board has already established a delineation of roles for the all-cargo and the combination carriers. The policy adopted herein accomplishes a further delineation of the respective roles of these two groups of air carriers, in accordance with the Board's authority under section 416(a) of the Act to establish such just and reasonable classifications or groups of air carriers as the nature of their services shall require.

The Board has only recently reviewed the public convenience and necessity requirements for the domestic all-cargo carriers, and concluded that these carriers have earned themselves a place as all-cargo specialists in the United States air transportation system. We there noted the contribution of the all-cargo carriers to the development of volume freight operations in all-cargo aircraft, rendered despite the competitive disadvantages they face. Thus, in the Domestic Cargo—Mail Service Case, Order E-18300, May 3, 1962 (Docket 10067), we stated as follows:

> * * * The Board is satisfied that in spite of the difficulties encountered and losses incurred, the all-cargo experiment has been of real benefit to the nation as a whole as well as to the shippers and recipients of cargo. It is convinced that the specialized and stimulating effects of the all-cargo carriers are needed for the intensive development of the freight potential which is still required and that the renewal of three of the four all-cargo applicants on conventional, linear routes will serve a useful purpose and is required by the public convenience and necessity. (mimeo p. 7)

In concluding that The Slick Corporation and The Flying Tiger Line Inc. should be granted permanent certification, we noted:

> * * * Slick and Tiger have been certificated carriers since 1950; they have established themselves as carriers of substantial volumes of cargo; they have performed a useful public service and have benefited both the commercial and national defense needs of the nation; they represent a significant part of our air transportation system; and, in our judgment, they have earned permanent certification. (mimeo p. 38)

We have expressed similar views in relation to the international all-cargo carriers.[1]

A logical means of further delineating the role of the all-cargo carriers is to foster their development as specialists for large volume air freight service in all-cargo aircraft. The reservation of blocked space arrangements exclusively to the all-cargo carriers is consistent with this objective. The increased concentration of the all-cargo carriers on large volume traffic can be expected to be followed by a shift of small volume shipments to the combination carriers, whose cargo operations supplement their passenger services and who are better suited for meeting the needs of this category of traffic and at less cost.

Blocked space traffic will consist almost entirely of that produced by frequent, regular and high volume shippers. Such traffic constitutes a category having particular need for a specialized type of service marked, among other things, by low rates, appropriately convenient schedules and assurance that space will be available when needed. The great bulk of such traffic is now moved on surface carriers, and, if air carriers achieve a breakthrough in properly servicing such traffic, a potential market of considerable proportions will become available to them. However, there is much to be done before such a breakthrough can be brought about. Marketing techniques specifically geared to the needs of high volume shippers will have to be developed and perfected. Improvements through greater specialization must be obtained in the performance of loading, unloading and other ground services. Specialized aircraft need to be developed along with techniques for more efficient use of such aircraft in a service that will be attractive to high volume shippers. All of these factors point to a need for greater specialization, and we are convinced that assigning the exclusive role of perfecting blocked space service to the specialized all-cargo carrier will hasten the achievement of the needed breakthrough. We also believe that, if we are properly to perform our responsibility to promote air transportation under the Act, we should do everything we can to bring about the earliest possible achievement of this breakthrough.

For air carriers to obtain a much larger proportion of the high volume

[1] See Transatlantic Cargo Case, 21 C.A.B. 671, 680-84 (1954); Seaboard & Western Airlines, Inc., Mail Authorization, 29 C.A.B. 49, 55 (1959); Aerovias Sud Americana, Inc., Certificate Renewal and Extension Case, 30 C.A.B. 108, 109, 126-127 (1959); Service to Puerto Rico Case, 26 C.A.B. 72, 74, 159-60 (1957).

traffic referred to above, it is apparent that they must achieve a reduction in rates to a level which, considering the speed and other advantages of air transportation, will be attractive to shippers. Blocked space arrangements would appear to provide a means for obtaining better planning on the part of carriers as well as shippers. Such improved planning makes possible more efficient utilization of equipment and the obtaining of higher load factors which in turn may make a significant reduction in rates possible. However, the needed improvement in equipment utilization and load factors cannot be obtained if the traffic from blocked space arrangements is spread too thinly among carriers. Thus, if the blocked space concept is to be given a true test, we must make sure that excessive blocked space capacity is not offered. For this reason in particular, our policy contemplates that only the all-cargo carriers will be permitted to offer blocked space service at this time.

There is also every reason to believe that the specialization will be of significant benefit in helping to develop new and better techniques particularly adapted to serving the peculiar needs of high volume and other forms of traffic. Moreover, the further development of advanced methods for the speedy handling of high volume freight can be of significant potential value to the military establishment.

Assigning the all-cargo carriers the exclusive role of performing blocked space service will, we believe, provide them with a needed source of financial strengthening. We recognize, of course, that some traffic now moving on the cargo services of the combination carriers may be diverted to the block space services of the all-cargo carriers, but we do not believe that such diversion would be significant. Moreover, these carriers can be expected to acquire an increasing share of small package shipments. Some traffic now moving on the all-cargo carriers at regular rates will be diverted to their lower blocked space rates. However, there is no reason to believe that attractive blocked space rates and the benefits of specialization will not ultimately bring about an increase in traffic more than offsetting any such diversion.

It has also been proposed that the all-cargo carriers should be authorized to sell blocked space to the Railway Express Agency and other surface carriers as well as combination carriers, air freight forwarders, and individual shippers. However, if surface carriers are lawfully to use blocked space rates, they must obtain appropriate indirect air carrier authority. An application for an exemption seeking necessary authority to utilize blocked space has been filed by Railway Express Agency (REA) and is presently pending. Rather than deal with the question of a surface carrier authorization to use blocked space here, we will reserve judgment until such time as we are in a position to dispose of REA's application.

By adoption of this policy statement the Board means only to indicate its approval of the blocked space concept when employed by the all-cargo carriers. The lawfulness of the details of any particular blocked space tariff will have to be evaluated according to usual rate principles and practice. Similarly any particular blocked space agreements which are required to be filed with the Board under section 412 of the Act will have to be tested individually against the public interest standard of that provision.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 399, its Statements of General Policy (14 CFR Part 399), effective August 7, 1964, by adding to Subpart C the following new § 399.37 to read as follows:

**§ 399.37 Blocked space service.**

(a) As used in this section:

(1) "All-cargo carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2) of the Federal Aviation Act of 1958 which authorizes the carriage of property only or of property and mail only.

(2) "Blocked space service" means the carriage of property in all-cargo aircraft at wholesale rates pursuant to an effective tariff stating a rate applicable only when the user reserves and agrees to pay for a specified amount of space or lift on a regularly recurring basis for a period of not less than 60 days.

(3) "Combination carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2) of the Act which authorizes the carriage of persons, property and mail or persons and property only.

(b) It is the policy of the Board to permit all-cargo carriers to provide blocked space service to (1) such combination carriers as may choose to use it to provide service over routes which are certificated to both the combination and the all-cargo carrier involved; (2) air freight forwarders; and (3) large volume individual shippers.

(c) It is the policy of the Board not to permit combination carriers to provide blocked space service.

(Secs. 204(a), 416(a), Federal Aviation Act of 1958, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386, sec. 3 of Administrative Procedure Act, 60 Stat. 238, 5 U.S.C. 1002)

NOTE: This is Amendment No. 3 to Part 399 effective January 29, 1964.

By the Civil Aeronautics Board.[2]

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

[F.R. Doc. 64-8150; Filed, Aug. 12, 1964; 8:45 a.m.]

## Chapter III—Federal Aviation Agency

### SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6130; Amdt. 792]

### PART 507—AIRWORTHINESS DIRECTIVES

### Boeing Models 707 and 720 Series Aircraft

Amendment 568, 28 F.R. 5153, AD 63-11-1, requires inspection of the main landing gear truck beam of Boeing Models 707 and 720 Series aircraft every 500 hours' time in service. A review of the results of the inspections conducted indicates that this inspection interval can be increased without adversely affecting safety. Therefore, Amendment 568, AD 63-11-1, is being revised to extend the inspection interval to 600 hours' time in service.

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

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

Amendment 568, 28 F.R. 5153, AD 63-11-1, Boeing Models 707 and 720 Series aircraft, is amended by:

1. Change the repetitive inspection interval in paragraph (d)(4)(iv) from, "not to exceed 500 hours' time in service", to "not to exceed 600 hours' time in service".

2. Change the 500 hour increased time interval in the first and last sentence of paragraph (e), to 600 hours by substituting the figure "600" for the figure "500".

This amendment shall become effective August 14, 1964.

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

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

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

[F.R. Doc. 64-8176; Filed, Aug. 12, 1964; 8:48 a.m.]

[Reg. Docket No. 6131; Amdt. 793]

### PART 507—AIRWORTHINESS DIRECTIVES

### Douglas Model DC-8 Series Aircraft

Amendment 665, 29 F.R. 13, AD 63-27-1, as revised by Amendment 720, 29 F.R. 5542, requires inspection of the bogie beam assembly and repair or replacement of any found defective on Douglas Model DC-8 Series aircraft. Investigation of a request for extension of the lubrication intervals required by Amendment 665, AD 63-27-1, showed that extensions based on good service experience could be granted without affecting the level of safety. Therefore, Amendment 665, as revised by Amendment 720, is being further revised to permit extension of the lubrication intervals where justified.

Since this amendment provides a procedure by which a different lubrication interval may be established for the operators concerned and thus relieves a present restriction, compliance with notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

[2] Dissenting statement of members Gurney and Gilliland filed as part of original document.

§ 507.10(a) of Part 507 (14 CFR Part 507) is amended as follows:

Amendment 665, 29 F.R. 13, AD 63-27-1, as revised by Amendment 720, 29 F.R. 5542, Douglas Model DC-8 Series aircraft, is further revised by changing paragraph (e) to read:

(e) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals and lubrication intervals specified in this AD to permit compliance at an established period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective August 14, 1964.

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

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

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

[F.R. Doc. 64-8177; Filed, Aug. 12, 1964; 8:48 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

### SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 is amended to read as follows:

## PART 1001—GENERAL PROVISIONS

### Subpart B—Definition of Terms

§§ 1001.201-51, 1001.201-61, 1001.201-63 [Deleted]

1. Delete §§ 1001.201-51, 1001.201-61, and 1001.201-63.

§ 1001.201-58 [Amended]

2. In § 1001.201-58 delete the comma between "AFLC" and "air materiel."

### Subpart C—General Policies

§§ 1001.350, 1001.364 [Deleted]

1. Delete §§ 1001.350 and 1001.364.
2. Add new § 1001.366 as follows:

**§ 1001.366 Allegations concerning the competitive procurement program.**

(a) Where allegations are made that the Air Force Competitive Procurement Program has or will have the effect of degrading the quality and reliability of items procured competitively, such allegations will be thoroughly reviewed by the chief of the activity where the allegation was made. Where appropriate, investigations will be conducted to ascertain the facts.

(b) Where the facts appear to lend validity to the allegation, all pertinent information will be forwarded through command channels, including AFSC and OAR activities through AFSC (SCKP) and all other activities through AFLC (MCPA), to Hq USAF (AFSPPBA). The file should contain sufficient information of all the circumstances connected with the allegation. The file should also include complete identification of any regulations, policy, or procedures issued at DOD or Hq USAF level which may have led to the allegation.

### Subpart D—Procurement Responsibility and Authority

1. In § 1001.453:

a. In paragraph (j) revise subdivision (*d*) of subparagraph (1)(ii) and subparagraph (2).

b. In paragraph (l) add new last sentence to subparagraph (3).

c. Revise paragraph (m)(4), as follows:

**§ 1001.453 Delegations of authority.**

* * * * *

(j) * * *

(1) * * *

(ii) * * *

(*d*) The individuals responsible for ratification in the major air commands (other than AFSC), and AFLC activities will advise AFLC (MCPP), and the commanders of AFSC activities will advise AFSC (SCKP), of each transaction submitted for review under this subparagraph (1), indicating whether or not the transaction was ratified. This written notification should identify the base involved, the commodity or service procured, and the dollar amount of the transaction.

(2) Purchases involving more than $2,500 made by persons to whom requisite authority has not been delegated may be ratified only by the Director of Procurement and Production at Hq AFLC, or the Deputy Chief of Staff, Procurement and Production at Hq AFSC. Commanders will cause to be prepared the material and information required by subparagraph (1) of this paragraph and forwarded to AFLC (MCPKA), or AFSC (SCKP), as appropriate. All such transactions must be reviewed by the Staff Judge Advocate, Hq AFLC or Hq AFSC, as appropriate. The Director of Procurement and Production, Hq AFLC, and the Director of Procurement, Hq AFSC, will inform the Director of Procurement Policy, Hq USAF, of each transaction submitted for review under this subparagraph indicating whether or not the transaction was ratified.

* * * * *

(l) * * *

(3) * * * Such contracts are required to include on their face as an administrative recital a bona fide estimate of such aggregate amount.

* * * * *

(m) * * *

(4) Contract change notifications issued according to Subpart C, Part 1054 of this subchapter.

* * * * *

2. Revise § 1001.457(a)(13) to read as follows:

**§ 1001.457 Authority to enter into, execute and approve contracts.**

(a) * * *

(13) With respect to § 1001.453(j), the Director of Procurement and Production, Hq AFLC, has delegated to the commanders of all major air commands (except AFSC) and the commanders of the first echelon of command immediately subordinate to Hq AFLC; the Deputy Chief of Staff, Procurement and Production, Hq AFSC, has delegated to the commanders of the first echelon of command immediately subordinate to Hq AFSC, authority to ratify any transaction involving $2,500 or less. Such delegations by the Director of Procurement and Production, Hq AFLC, to major air commanders permit further redelegation of this authority to the DCS/materiel or other comparable office within the major air command headquarters. In no event will such authority be redelegated to contracting officers at any level.

* * * * *

## PART 1003—PROCUREMENT BY NEGOTIATION

### Subpart C—Determinations and Findings

Revise § 1003.301(c) to read as follows:

**§ 1003.301 Nature of determinations and findings.**

* * * * *

(c) Under current laws and regulation governing negotiated procurements in which a Secretarial Determinations and Findings is required, such Determinations and Findings must be executed before a Request for Proposal can be issued by the Air Force, or negotiations otherwise begun. At that early stage of a research and development program the technical aspects of the program often have not been determined sufficiently to permit final technical approval by SAF-RD. Consequently, in any case where a Determination and Findings under 10 U.S.C. 2304(a)(11) (§ 3.211 of this title) is approved with only preliminary approval as to technical validity, the procuring activity must obtain specific notification of final technical approval by SAF-RD prior to contract signature. Similar technical approval must be obtained for any subsequent extension of the period of contract performance beyond that previously approved, or for any substantial change in the nature or extent of the work authorized. Where doubt exists as to extent of authorization, clarification should be sought. This approval will be furnished to the contracting officer by direction/authorization from Hq USAF, which will cite approval by SAF-RD, reference the pertinent Determinations and Findings and outline any restrictions which may be imposed on the procurement.

* * * * *

### Subpart D—Types of Contracts

Add new §§ 1003.405-2 and 1003.405-3 as follows:

**§ 1003.405-2 Cost contract.**

This contract type is identified by the symbol CR.

**§ 1003.405-3 Cost-sharing contract.**

This contract type is identified by the symbol CS.

## PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

### Subpart Y—Packing and Crating

**§ 1004.2502 [Amended]**

In § 1004.2502 delete the last sentence.

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## PART 1006—FOREIGN PURCHASES

### Subpart A—Buy American Act; Supply and Service Contracts

**§§ 1006.103–3, 1006.104–1, 1006.104–2 [Deleted]**

Delete §§ 1006.103–3, 1006.104–1, and 1006.104–2.

### Subpart B—Buy American Act; Construction Contracts

**§ 1006.204–3 [Amended]**

In § 1006.204–3 (a) to (b) delete the reference and insert "No implementation."

### Subpart D—Purchases From Soviet-Controlled Areas

**§ 1006.402 [Amended]**

In § 1006.402(a)(1) delete the reference and insert "No implementation."

### Subpart E—Canadian Purchases

**§ 1006.503 [Deleted]**

Delete § 1006.503.

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## PART 1007—CONTRACT CLAUSES

**§§ 1007.000—1007.000–6 [Deleted]**

Delete §§ 1007.000 through 1007.000–6.

### Subpart A—Clauses for Fixed-Price Supply Contracts

**§§ 1007.100, 1007.102, 1007.103–8, 1007.104–23, 1007.104–25, 1007.104–50, 1007.105–1, 1007.105–4, 1007.109–1, 1007.109–3 [Deleted]**

1. Delete §§ 1007.100, 1007.102, 1007.103–8, 1007.104–23, 1007.104–25, 1007.104–50, 1007.105–1, 1007.105–4, 1007.109–1, and 1007.109–3.

**§ 1007.103 [Amended]**

2. In § 1007.103 delete the entire text. Subpart E is revised to read as follows:

### Subpart E—Clauses for Personal Services Contracts

Sec.
1007.503 Required clauses.
1007.503–7 Termination.

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

**§ 1007.503 Required clauses.**

**§ 1007.503–7 Termination.**

Insert the clause set forth in § 1008.750 of this subchapter, which includes § 7.503–7 of this title.

### Subpart F—Clauses for Fixed Price Construction Contracts

**§ 1007.602–53, 1007.604–50, 1007.604–51 [Deleted]**

Delete §§ 1007.602–53, 1007.604–50, and 1007.604–51.

### Subpart W—Clauses for Time and Materials Contracts

Subpart W is deleted.

### Subpart FF—Clauses for Bakery and Dairy Products Contracts

Revise § 1007.3203–5 to read as follows:

**§ 1007.3203–5 Assignment of claims.**

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

### Subpart GG—Clauses for Laundry or Dry Cleaning Contracts

Revise § 1007.3303–3 to read as follows:

**§ 1007.3303–3 Assignment of claims.**

Insert the clause set forth in § 7.103–8 of this title, but see § 1007.103–8.

### Subpart II—Clauses for Packing and Crating Contracts

Revise § 1007.3504–5 to read as follows:

**§ 1007.3504–5 Assignment of claims.**

Insert the clause in § 7.103–8 of this title, but see § 1007.103–8.

### Subpart JJ—Contracts for Care of Remains

Revise § 1007.3604–5 to read as follows:

**§ 1007.3604–5 Assignment of claims.**

Insert the clause in § 7.103–8 of this title, but see § 1007.103–8.

### Subpart NN—Special Clauses

Revise the clause in § 1007.4048(a) to read as follows:

**§ 1007.4048 Safety precautions for all types of dangerous materials.**

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (JUNE 1964)

(a) * * *

(b) The Contractor shall comply with the intent of applicable portions of AF Technical Orders 11C–1–6, 42B1–1–6, 00–110N–3; AF Manuals 127–100, 71–4, 75–2; AF Regulation 86–6; and Manufacturing Chemists' Association, Inc., Manual L–1, entitled "Warning Labels," in addition to applicable local, state and federal ordinances, laws, and codes, including latest changes, revisions and/or supplements thereto, in effect on the date of this contract, in the development, testing, storage, manufacture, packaging, transportation, handling, disposal, or use of dangerous materials, which may affect the performance of this contract, whether such performance is on premises controlled by the Government or otherwise. The Contractor shall comply with the requirement for shippers certificate in accordance with AFM 71–4 if shipment of dangerous materials is to be made by military air or to an aerial port of embarkation. The Contractor shall also comply with any additional safety measures required by the Contracting Officer with regard to such dangerous materials; provided, that if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause hereof entitled "Changes."

(c) The Contractor agrees to insert in every subcontract hereunder which requires the development, testing, storage, manufacture, packing, transporting, handling, disposal or use of dangerous materials, as defined in paragraph (a) above, the substance of the foregoing paragraphs (a) and (b).

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL–STD's 129C, to the extent called out by MIL–L–9931, 130A to the extent called out by MIL–L–9931, 444 and 709; MIL–A–9836, MIL–L–9835 and 9931; AF T.O. 11A–1–47; ICC Regulations T.C. George's Tariff No. 15; Fround's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including AFB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

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## PART 1008—TERMINATION OF CONTRACTS

### Subpart G—Clauses

**§ 1008.754 [Deleted]**

Delete § 1008.754.

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## PART 1010—BONDS AND INSURANCE

### Subpart C—Insurance; General

Add the following material to § 1010.303–50 as follows:

**§ 1010.303–50 Unusually hazardous risks.**

* * * Requests for information, or the original and three copies of the request for authorization to use such indemnity provisions, will be directed as follows: For activities within jurisdictional authority of AFLC, to MCPC for further processing to Hq USAF after coordination with the Staff Judge Advocate (MCJ); within AFSC, to (SCK–3) with an extra copy to AFSC (SCKPF). SCK–3 will process the request to Hq USAF after obtaining coordination from SCKPF and the Staff Judge Advocate (SCJ).

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## PART 1011—FEDERAL, STATE, AND LOCAL TAXES

**§§ 1011.000, 1011.052, 1011.053 [Deleted]**

Delete §§ 1011.000, 1011.052 and 1011.053.

### Subpart A—Federal Excise Taxes

**§§ 1011.101–1, 1011.101–3, 1011.102–1, 1011.102–2, 1011.102–4 [Deleted]**

Delete §§ 1011.101–1, 1011.101–3, 1011.102–1, 1011.102–2 and 1011.102–4.

## Subpart B—Exemptions From Federal Excise Taxes

### §§ 1011.202, 1011.204 [Deleted]

Delete §§ 1011.202 and 1011.204.

## Subpart C—State and Local Taxes

### § 1011.302 [Deleted]

1. Delete § 1011.302.
2. Revise § 1011.351 to read as follows:

### § 1011.351 Michigan sales and use tax; construction contracts.

(a) Scope: The provisions of this section relate to contracts calling for construction-type work (whether or not formally designated as construction contracts) performed in the State of Michigan.

(b) Instructions to contractors:

(1) The Michigan Supreme Court, in the case of Knapp-Stiles v. Revenue, 122 N. W. 2d 642, has ruled that the 4 percent Michigan Use Tax does not apply on purchases of tangible property by a contractor when such property will be completely consumed or incorporated into and made a part of Federal construction projects in the performance of a contract for the Federal Government.

(2) State taxing authorities will no longer require contractors performing Federal contracts to maintain use tax registration for reporting such taxes. Accordingly, such contractors should be advised of the elimination of the requirement for registration and the filing of monthly returns for such taxes.

(3) Previous instructions have directed the nonpayment of this tax according to the agreement with the State. In the event, notwithstanding this instruction, a contractor has paid this tax and included same in price or seeks reimbursement, the cognizant contracting officer should furnish this information to AFLC (MCJ) through their local staff judge advocate. Such notification will include the following information:

(i) Amount of tax, description and use of the property taxed, contract number and pertinent contract provisions.

(ii) A copy of the assessment if one was made, and other information or correspondence which relates to the tax in question.

(c) To insure that prospective contractors are aware of this exemption, the following provisions will be included in all IFBs, RFPs and RFQs, wherein the procurement of construction-type work to be performed either wholly or partially in the State of Michigan is contemplated.

MICHIGAN SALES AND USE TAX

Contractor purchases of tangible personal property that is to be incorporated into real estate or completely consumed in the performance of construction work for the Federal Government are exempt from the Michigan Sales and Use Tax. Accordingly, prices submitted in response to this solicitation should not include a factor for Michigan Sales and Use Taxes on such purchases.

3. Add new §§ 1011.358 through 1011.358–1.1 as follows:

### § 1011.358 Los Angeles City License Tax.

(a) *Instructions to contractors.* It is the intention of the military departments to challenge the validity of the Los Angeles City License Tax as it is currently being applied to contractors and subcontractors selling manufactured end items directly or indirectly to the Government under fixed-price contracts and cost-type contracts. Test litigation will soon be instituted to accomplish this purpose. A form letter of instructions, copy of which is attached, has been approved by the Armed Services Tax Group (DOD) for issuance to contractors concerned. The letter sets forth the procedures to be followed by government contractors and subcontractors in the City of Los Angeles during the pendency of the test litigation. Issuance thereof to affected prime contractors (who should, in turn, instruct affected subcontractors) will be accomplished by cognizant ACOs. Reports received from contractors concerning the Los Angeles Tax (see § 1011.358–1.1(f) will be forwarded to AFLC (MCJCO).

(b) *Special tax clauses.* (1) The special clauses in subparagraphs (3) and (4) of this paragraph are intended for use in all contracts containing an ASPR tax clause (usually fixed-price or time and materials contracts), the performance of which will be accomplished either wholly or partially in the City of Los Angeles, California. A special clause will be inserted in contracts for services as well as supply contracts, since the Los Angeles tax, measured by gross receipts of the preceding year, is normally allocated and charged through overhead to all contracts of the current year. Thus, a subsequent reduction in the amount of license taxes for a given year is likely to be reflected as a general reduction in overhead for all contracts which shared the original cost or burden for such taxes.

(2) Provision will be made in IFBs, RFPs, and RFQs to allow for the incorporation of a special tax clause in resultant contracts where appropriate. Existing contracts need not be amended to incorporate such a clause, except where new work is added.

(3) The following provision will be inserted in affected contracts containing the tax clause in § 11.401–1 of this title.

LOS ANGELES CITY LICENSE TAXES

Notwithstanding any other provisions of this contract:

(a) The contract price includes allocable Los Angeles City License taxes, including those taxes (hereinafter referred to as "additional taxes") resulting from the application of principles expressed by the Los Angeles City Attorney in his opinion dated March 2, 1960. If, after the contract date, the Contractor is not required to pay or bear the burden, or obtains a credit or refund of all or a portion of said taxes from the City of Los Angeles, the contract price shall be decreased by the amount of such relief or refund allocable to this contract, or that amount shall be paid to the Government, as the Contracting Officer directs. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or failure to follow instructions of the Contracting Officer as provided in (b) below, is required to pay or bear the burden or does not obtain a refund of any such taxes. Interest paid or credited to the Contractor incident to a refund of these taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for these taxes.

(b) The Contractor shall comply with the instructions of the Contracting Officer in order to obtain a reduction, credit or refund of Los Angeles City License Taxes, and the contract price shall be equitably adjusted to cover the costs of such compliance, including reasonable attorneys' fees arising therefrom.

(c) The Contractor shall maintain accurate records showing the amount of Los Angeles License Taxes, and specifically the amount of additional taxes, included in the contract price.

(4) The following provision will be inserted in affected contracts containing the tax clause in § 11.401–2 of this title.

LOS ANGELES CITY LICENSE TAXES

Notwithstanding any other provisions of this contract:

(a) The contract price includes allocable Los Angeles City License Taxes, including those taxes (hereinafter referred to as "additional taxes") resulting from the application of principles expressed by the Los Angeles City Attorney in his opinion dated March 2, 1960. If, after the contract date, the Contractor is not required to pay or bear the burden, or obtains a credit or refund of all or a portion of said taxes from the City of Los Angeles, the contract price shall be adjusted in accordance with the clause hereof entitled "Federal, State, and Local Taxes." As provided in said clause, the contract price shall also be adjusted if the Contractor, through his fault or negligence or failure to follow the instructions of the Contracting Officer, is required to pay or bear the burden or does not obtain a refund of such taxes.

(b) The Contractor shall maintain accurate records showing the amount of Los Angeles License Taxes, and specifically the amount of additional taxes, included in the contract price.

### § 1011.358–1 Cost-type contracts.

Los Angeles City License Taxes which are properly paid in accordance with the Government's instructions are, to the extent allocable, reimbursable under the cost principles of Part 15 of this title. Special tax clauses are not required for cost-type contracts.

### § 1011.358–1.1 Instructions to Contractors.

LOS ANGELES CITY LICENSE TAX

(a) In an opinion dated March 2, 1960, regarding license taxes asserted to be due on Northrop Corporation's activities under contracts with the Federal Government, the Los Angeles City Attorney concluded that:

(1) Gross receipts derived from Government supply contracts, entered into on a CPFF or fixed-price with progress payments basis, are taxable in part at the rates provided in Los Angeles Municipal Code, Section 21.167 ("Manufacture and Sale of Goods, Wares or Merchandise at Retail"), and in part at the rates provided in Los Angeles Municipal Code, Section 21.190 ("Occupational and Professional License (Not Otherwise Specifically Licensed)").

(2) Gross receipts derived from sales of articles to the Government pursuant to contracts which require shipment of said articles on Government bills of lading to destinations outside the State of California are not exempt from the computation of the license tax by reason of Los Angeles Municipal Code, Section 21–168.1 ("Exclusion from Gross Receipts").

(b) As you may previously have been advised, it is the intention of the military departments to challenge the legal validity of the above conclusions of the Los Angeles

City Attorney, as made applicable to contractors and subcontractors selling manufactured end items directly or indirectly to the Government under fixed-price contracts and cost-type contracts. Arrangements are presently being made for a consolidated test case with ITT Gilfillan, Inc., and Hoffman Electronics Corp. serving as colitigants. Insofar as possible, all other claims for refund involving Government supply contractors and subcontractors should be held in abeyance pending results of the test litigation.

(c) Contractors who have not already made payment of license taxes imposed by Los Angeles Municipal Code, Sections 61.166, 21.167 and 21.190, as construed in the aforementioned City Attorney opinion, for the years 1963 and 1964 should do so in accordance with the demands of the City. However, the payment of additional license taxes resulting from the application of principles expressed in the City Attorney's opinion is not to be construed as acquiescence in said opinion, and rights to effect refunds of such additional taxes should be timely preserved. This same procedure will be followed, at the appropriate times, with respect to license taxes becoming due in future years, until you are otherwise advised.

(d) Contractors who have withheld payment of such license taxes allegedly due for years prior to 1963, are hereby instructed immediately to pay the same in order to prevent the accrual of further interest and penalties. As in the case of license taxes for 1963 and subsequent years, rights to effect refunds thereof should be timely preserved.

(e) Payments made in accordance with these instructions should be accompanied by the following written statement:

Payment of additional taxes resulting from the application of principles expressed by the Los Angeles City Attorney in his opinion dated March 2, 1960, is being made solely for the purpose of avoiding the accrual of further interest and penalties and is not to be construed as acquiescence by (name of contractor) in the legality of the City's demands for such payment. It is contemplated that (name of contractor) will eventually claim a refund of such amounts herein paid to the City of Los Angeles, in accordance with the administrative and judicial procedures set forth in applicable portions of the Los Angeles and California Codes.

(f) Additional amounts of license taxes paid to the City of Los Angeles pursuant to these instructions should be currently reported to the Contracting Officer. In addition, the Contracting Officers should be advised, in pertinent detail, of any claim for refund which it becomes necessary to file in order to prevent expiration of statutory periods of limitation. (Note: In the case of California Cigarette Concessions, Inc. v. City of Los Angeles, 53 Cal. 2d 865, 350 P. 2d 715, it was considered that the two-year statute of limitations established by Section 339, Subdivision 1, Cal. Code of Civil Procedure, applies to claims for refund of Los Angeles City License Taxes.)

(g) These instructions relate only to Los Angeles City License taxes the possible refund of which will inure to the benefit of the Government pursuant to the terms of Government contracts. Similar instructions should be issued to affected subcontractors who are located in the City of Los Angeles.

## PART 1016—PROCUREMENT FORMS

### Subpart A—Forms for Advertised Supply Contracts

**§§ 1016.101–2; 1016.102–2 [Amended]**

1. In § 1016.101–2 (b) and (c) delete the reference and insert "No implementation." In § 1016.101–2 delete paragraph (b) and the designation "(a)" from the remaining paragraph.

**§ 1016.102–50 [Deleted]**

2. Delete § 1016.102–50.

## PART 1054—CONTRACT ADMINISTRATION

### Subpart O—Preparation and Issuance of Shipping Instructions

Revise §§ 1054.1503, 1054.1504(b) and 1054.150 (a) and (d) to read as follows:

**§ 1054.1503 Responsibilities.**

(a) AFSC Aeronautical Systems Division (ASD), for ASD executed contracts:

(1) Contracting officers of ASWES will issue original and amended shipping instructions for GFAE end items and all other shipping instructions except as specified in subparagraphs (2) and (3) of this paragraph and paragraph (d) of this section.

(2) Contracting officers of ASWES may assign the shipping instructions responsibility on specific contracts to an AFLC AMA.

(3) For items provisioned under ASD contracts for which AFLC AMAs have distribution and storage responsibility, see paragraphs (c) (4) (ii) and (iii), and (d) of this section.

(b) For contracts executed by AFSC Ballistic Systems, Electronic Systems, and Space Systems Divisions:

(1) Designated contracting officers will issue original and amended shipping instructions for all property for which AFSC has distribution responsibility.

(2) For items provisioned under these contracts for which AMAs have distribution and storage responsibility, see paragraphs (c) (4) (ii) and (iii) and (d) of this section.

(c) AMAs: The shipping instruction responsibility for the following is assigned as specified in subparagraph (4) (i), (ii) and (iii) of this paragraph and paragraph (d) of this section: (1) AMA executed contracts, (2) contracts transferred to an AMA for complete buying responsibility, (3) items for which AMAs have distribution and storage responsibility and which are provisioned under contracts placed by AFSC Divisions, (4) contracts on which ASD (ASWES) assigns shipping instructions to an AMA.

(i) Designated contracting officers at the procuring AMA will normally issue original and amended shipping instructions for all items procured on AMA executed contracts, on contracts transferred for complete buying responsibility by the AFSC Divisions, and contracts for which ASD (ASWES) assigns shipping instruction responsibility. An exception, however, are items which are provisioned under these contracts. Issuance of shipping instructions for the provisioned items is covered by subparagraph (4) (ii) and (iii) of this paragraph and paragraph (d) of this section.

(ii) Designated contracting officers of the AFLC inventory manager (end article) will issue original shipping instructions for all items provisioned under the contracts referred to in subparagraph (4) (i) of this paragraph and for all provisioned items on contracts placed by the AFSC divisions when distribution and storage is the responsibility of the AMA.

(iii) Designated contracting officers of the AFLC inventory manager will issue amended shipping instructions for their particular supply classes provisioned under the contracts mentioned in subparagraph (4) (ii) of this paragraph except in those cases referred to in paragraph (d) of this section.

(d) Administrative contracting officers of certain AFPROs: Administrative contracting officers of the following listed AFPROs are authorized to: (1) Issue amended shipping instructions upon request of the inventory manager, AFLC, on contracts refered to in paragraph (c) of this section, (2) make whatever changes are deemed necessary in the request before issuing the amended shipping instructions, and (3) notify the requester of the changes made.

Lockheed Aircraft Corp., Burbank, Calif.
North American Los Angeles Div., Los Angeles, Calif.
Douglas Aircraft Company, Inc., Santa Monica, Calif.
Northrop Corp., Hawthorne, Calif.
General Dynamics, Forth Worth, Tex.
Republic Aviation Corp., Farmingdale, L.I., N.Y.
Boeing Company, Seattle, Wash.
General Electric Co., Lockland Branch, Cincinnati, Ohio.
Hughes Aircraft Company, Culver City, Calif.

**§ 1054.1504 Shipping instruction activities.**

* * * * *

(b) Transportation instructions (distinguished from shipping instructions and amended shipping instructions referred to elsewhere in this subpart) emanating from the transportation officer, for supplies procured F.O.B. carrier's equipment, will be issued concurrently with and incorporated in, original and amended shipping instructions. However, in exceptional circumstances the transportation officer may issue transportation instructions direct to contractors.

* * * * *

**§ 1054.1506 Initiators of AFPI Form 44.**

(a) When original or amended shipping instructions are required initiators of the procurement, or activities responsible for distribution of the items procured, will prepare a request for issuance of Shipping Instructions. Generally, AFPI Form 44, Request for Issuance of Shipping Instructions, will be prepared in duplicate and directed as necessary to comply with § 1054.1503. Where urgency requires, however, shipping instructions may be requested by telephone or electrically transmitted messages. Initiators will select the method of transmission for their requests, utilizing telephone and teletype transmission only where these methods are fully justified by priority requirements and are known to provide improved transit and reception time over mail (airmail). If requested by telephone, a confirming AFPI Form 44 will be forwarded to the shipping instruction

contracting officer within 24 hours. Electrically transmitted requests will state "Request Shipping Instructions," or "Request Amended Shipping Instructions" and be arranged in paragraph form, each paragraph prefixed by the same number as the equivalent block on the AFPI Form 44.

* * * * *

(d) If packaging required by the contract must be revised when requesting shipping instructions, the AFPI Form 44 must be routed to the cognizant packaging control officer for inclusion of revised packaging instructions. AFLC Form 872, Preservation, Packaging and Packing Requirements, may be used for this purpose, or the packaging control officer may indicate on the AFPI Form 44 the pertinent packaging data by rubber stamp with appropriate information checked as described in AFLCM 71-1. The packaging control officer will state on AFPI Form 44, by stamp or otherwise, whether packaging costs included in the contract price will be changed by the revised packaging instructions.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314) [AFPI Rev. No. 43, June 30, 1964; AFPC Nos. 33, June 24, 1964; 34, June 29, 1964; 35, July 2, 1964; 36, July 8, 1964; 37, July 20, 1964; 38, July 24, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
*Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.*

[F.R. Doc. 64-8159; Filed, Aug. 12, 1964; 8:46 a.m.]

# Title 44—PUBLIC PROPERTY AND WORKS

## Chapter IV—Business and Defense Services Administration, Department of Commerce

[Foreign Excess Property Order 1; General Determination 1]

## PART 401—FOREIGN EXCESS PROPERTY

### Pneumatic Tires and Inner Tubes Except 14-Inch Rim Diameter Pneumatic Tires and Inner Tubes; Importation Into the United States

On June 30, 1964, there was published in the FEDERAL REGISTER (29 F.R. 8231) a notice of the proposed issuance of General Determination No. 1, titled as above. Said notice provided for the submission of views or arguments in writing to the Foreign Excess Property Officer of the Department of Commerce within 20 days following the day of publication of the notice of proposed rule making. It further provided that General Determination No. 1 would be issued in not less than 30 days and would be effective on publication in the FEDERAL REGISTER.

Pursuant to the above and the Administrative Procedure Act, insofar as it may be applicable hereto, General Determination No. 1 is hereby published and is made effective upon the date of publication hereof in the following form:

*General Determination No. 1.* Importation of foreign excess property consisting of pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes, would relieve domestic shortages and otherwise be beneficial to the economy of this country. Consequently, and in accordance with § 401.5 (General determinations of shortage or benefit) of Foreign Excess Property Order No. 1, foreign excess property specified in (a), (b) and (c) below may be imported into the United States, Puerto Rico, or the Virgin Islands without any application being made to, or FEP Import Authorization being issued by, the Foreign Excess Property Officer.

(a) All used pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes.

(b) All unused airplane tires and inner tubes.

(c) All other unused pneumatic tires and inner tubes, except 14-inch rim diameter passenger car tires and inner tubes, that are over-age or which by virtue of handling or exposure have deteriorated so that they are fit only for limited service application. Deterioration of the tires must be evidenced by either (1) branding with the letters "N.F.C." (Not First Class) in one inch (1'') block type on each sidewall of each tire so as to be clearly visible above the bead area, or (2) buffing the tires so as to remove from each sidewall thereof the name of the manufacturer and trade name(s). Deterioration of the inner tubes must be evidenced by the stamping thereon in one inch block type with indelible ink, the letters "N.F.C." (Not First Class).

Nothing in General Determination No. 1, shall be construed to exempt the importer from presentation of such other entry documents or conforming with any procedures required by the Collector of Customs.

This determination shall be effective on publication in the FEDERAL REGISTER.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
JAMES F. COLLINS,
*Acting Administrator.*

[F.R. Doc. 64-8173; Filed, Aug. 12, 1964; 8:48 a.m.]

# Title 46—SHIPPING

## Chapter III—Great Lakes Pilotage Administration, Department of Commerce

## PART 401—GREAT LAKES PILOTAGE REGULATIONS

### Subpart F—Procedure Governing Revocation or Suspension of Registration and Refusal to Renew Registration

On July 2, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 8377) setting forth proposed amendments to the Great Lakes Pilotage Regulations. Interested persons were given opportunity to submit such written data, views, and arguments as they desired to the Administrator within 20 days of that date. No person availed himself of the opportunity to participate in this public procedure during the allowed time and accordingly after consideration of this fact and other relevant matter available the following amendments to the Great Lakes Pilotage Regulations are hereby adopted.

Part 401 Great Lakes Pilotage Regulations is amended to add a new Subpart as follows:

Sec.
401.600 Right to hearing.
401.605 Notice.
401.610 Hearing.
401.615 Representation.
401.620 Burden of proof.
401.630 Appearance; testimony; cross-examination.
401.635 Evidence which shall be excluded.
401.640 Record for decision.
401.645 Examiners decision, exceptions thereto.
401.650 Review of examiners initial decision.

**§ 401.600 Right to hearing.**

(a) A United States Registered Pilot, on receipt of notice from the Great Lakes Pilotage Administration that he has violated any regulation made pursuant to the Act, which violation the Administration determines is grounds for suspension or revocation of the pilot's Certificate of Registration, shall have fifteen (15) days from the receipt of such notice in which to notify the Administration that he elects to exercise his right to a hearing as to the grounds for the proposed suspension or revocation. A pilot failing to notify the Administration within the prescribed period is deemed to have waived his right to a hearing.

(b) A United States Registered Pilot whose application was timely filed, on receipt of notice that renewal of his Certificate of Registration, has been denied pursuant to § 401.240(c), who fails to notify the Administration within fifteen (15) days of the receipt of such notice that he desires a hearing is deemed to have waived his right to a hearing.

**§ 401.605 Notice.**

The Great Lakes Pilotage Administration, on receipt of notice that a United States Registered Pilot elects to exercise his rights to a hearing shall notify the General Counsel of the Department of Commerce, who shall cause the pilot to be notified of the time, date and place of hearing.

**§ 401.610 Hearing.**

The hearing shall be held at a time and place designated by the Administrator with due regard to the convenience and necessity of the parties. The hearing shall be held on the record before an Examiner appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. section 1010). Hearings shall be conducted in accordance with sections 5, 7, and 8 of the Administrative

Procedure Act as amended (5 U.S.C. sections 1004, 1006, 1007).

**§ 401.615 Representation.**

The Great Lakes Pilotage Administration shall be represented by the Office of the General Counsel of the Department of Commerce. The United States Registered Pilot, designated "respondent" in a suspension or revocation hearing, or "applicant" in a refusal-to-renew-registration hearing, may be represented before the Examiner by any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State or Territory of the United States or the District of Columbia and who is not under any order of any court suspending, enjoining, restraining, or disbarring him, or otherwise restricting him, in the practice of law. Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Examiner of the Administration or the Office of the General Counsel of the Department of Commerce, his personal appearance or signature shall constitute a representation that under the provisions of this Subpart and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts. Further proof of a person's authority to act in a representative capacity may be required. When any United States Registered Pilot is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such a United States Registered Pilot shall be given to or by such attorney. If a United States Registered Pilot is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

**§ 401.620 Burden of proof.**

(a) In a suspension or revocation hearing, the Great Lakes Pilotage Administration shall have the burden of establishing, by substantial evidence, the grounds for a suspension or revocation of a pilot as stated in the letter addressed to the pilot by the Great Lakes Pilotage Administration notifying the pilot of the Administration's intention to suspend or revoke the pilot's registration.

(b) In a refusal-to-renew-registration hearing, the Great Lakes Pilotage Administration shall have the burden of establishing the administrative basis for its determination under § 401.240(c) that there was good cause for denying renewal of the Certificate of Registration.

**§ 401.630 Appearance; testimony; cross-examination.**

(a) The United States Registered Pilot shall appear in person or by counsel and may testify at the hearing, call witnesses on his own behalf and cross-examine witnesses appearing on behalf of the Great Lakes Pilotage Administration.

(b) The Great Lakes Pilotage Administration, through its counsel, shall appear, present evidence, and may call witnesses and cross-examine the witnesses called on behalf of the United States Registered Pilot at any hearing.

(c) In the discretion of the Examiner, other witnesses may testify at the hearing.

**§ 401.635 Evidence which shall be excluded.**

The Examiner presiding at the hearing shall exclude irrelevant, immaterial, or unduly repetitious evidence.

**§ 401.640 Record for decision.**

The transcript of testimony and oral argument at the hearing, together with any exhibits received, shall be made part of the record for decision, and the record shall be available to the respondent or applicant on payment of costs thereof.

**§ 401.645 Examiner's decision; exceptions thereto.**

At the conclusion of the hearing, the parties may submit briefs and recommended conclusions and findings within such time as the Examiner shall determine appropriate. The Examiner shall thereafter issue a written initial decision in the case, which decision shall be final and binding upon the Administrator of the Great Lakes Pilotage Administration, except as provided in § 401.650.

**§ 401.650 Review of Examiner's initial decision.**

The Administrator may, on his own motion, or on the basis of a petition filed by the United States Registered Pilot or the counsel for the Administration in the proceeding, review any initial decision of the Examiner by entering a written order stating that he elects to review the action of the Examiner. Copies of all orders for review shall be served on all parties. Petitions for review shall be in writing and shall state the grounds upon which the petition relies. Five (5) copies of such petitions for review, together with proof of service on all parties, shall be filed with the Great Lakes Pilotage Administrator within fifteen (15) days after the date of service of the initial decision of the Examiner. Parties may file replies, in writing, to petitions for review, with proof of service on other parties, in the same manner as is provided for filing of petitions for review and within ten (10) days after the date the petition for review is timely filed. Petitions for review and replies thereto shall be limited to the record before the Examiner. If a petition for review is filed within the time prescribed, the initial decision of the Examiner shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Administrator, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed and the Administrator does not elect to review on his own motion, the initial decision of the Examiner shall be final twenty (20) days after the date of service of the decision. If the Administrator reviews the initial decision as provided above, he shall issue a written order affirming, amending, overruling or remanding the initial decision of the Examiner within thirty (30) days after the date on which he takes review. There shall be no other administrative remedy within the Department of Commerce.

(74 Stat. 259–262; 46 U.S.C. 216–216i)

Dated: July 23, 1964.

A. T. MESCHTER,
*Administrator.*

[F.R. Doc. 64-8179; Filed, Aug. 12, 1964; 8:48 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 64-779]

## PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

### Domestic Telegraph Speed of Service Studies

At a session of the Federal Communications Commission held at its office in Washington, D.C., on the 7th day of August 1964;

The Commission having under consideration letters dated March 25, April 28, and June 4, 1964, from The Western Union Telegraph Company, requesting amendment of certain sections of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies, so as to revise its present method for selection and tally of messages delivered by tieline directly connected to reperforator offices;

It appearing, that the amendments of Subpart B of Part 64 of the rules, as proposed, are desirable for the purpose of recognizing certain changes made by Western Union in its procedures and operating practices, and should facilitate the making of the studies involved;

It further appearing, that Western Union is the only person subject to the amendments adopted herein; that Western Union has agreed to such amended rules and the effective date thereof; and hence, that compliance with section 4 of the Administrative Procedure Act is unnecessary:

*It is ordered*, That pursuant to sections 4(i), 201(b) and 218 of the Communications Act of 1934, as amended, Subpart B of Part 64 is amended, effective October 1, 1964, as set forth below.

(Secs. 4, 201, 218, 48 Stat. 1066, as amended, 1070, as amended, 1070; 47 U.S.C. 154, 201, 218)

Released: August 10, 1964.

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

1. Section 64.203(e) is amended to read as follows:

**§ 64.203 Time delivered.**

* * * * *

(e) When delivery is made by tieline directly connected to a reperforator office, the time delivered is the automatic

[1] Commissioner Lee, Acting Chairman, acting as a Board.

time transmitted at the end of each message.

* * * * *

2. Section 64.226(b) is deleted; § 64.226 as amended reads:

**§ 64.226 Tallies; when made.**

Speed of service tallies shall be made after 7:00 p.m. of the day of transmission but not later than the day following transmission, except any tally thus scheduled to be made on a holiday or a Saturday may be postponed until the following business day.

3. In § 64.243(b), subparagraphs (1) and (5) are amended, and subparagraph (6) is deleted; subparagraphs (1) and (5), as amended, read:

**§ 64.243 Selection of offices for tallying.**

* * * * *

(b) * * *

(1) A set of cards shall be prepared which includes one or more cards for each delivery method in each office in the city, except for the exclusions covered by paragraph (a) of this section. For each method in each office there shall be one card for each 100 messages of delivered load and one card for any excess of 50 or more. Where the average delivered load is between 50 and 100 messages per day, one card shall be prepared. The cards for the tieline method, in addition to identifying the office, shall also identify whether the delivery is by manual teleprinter tielines, tieline switching, tielines directly connected to a reperforator office, or telefax, and these cards when drawn shall be sampled as described in this section and § 64.271.

* * * * *

(5) For each card drawn from the deck for a method of delivery, 5 messages shall be tallied. In the case of the deck of tieline cards, for each card drawn 5 messages shall be tallied for the office and for the specific tieline method listed on the card (manual teleprinter tielines, tieline switching, tielines directly connected to a reperforator office, or telefax tieline). If the required daily sample for a method of delivery (telephone, all tieline methods combined, or messenger) is one more than an even multiple of 5, 6 instead of 5 messages shall be tallied at the office designated for the first card drawn. If the required sample is 2 more than a multiple of 5, 6 instead of 5 messages shall be drawn for each of the first 2 cards drawn. If the required sample is 1 or 2 less than an even multiple of 5, 4 messages instead of 5 shall be tallied for the first or each of the first 2 cards drawn.

* * * * *

4. Section 64.271(c) is revised to read:

**§ 64.271 Selection and tally.**

* * * * *

(c) For messages delivered by tieline directly connected to a reperforator office, the following method for selection of messages to be tallied shall be used:

(1) Each monitor roll representing a particular group of circuits on which the messages delivered by directly connected tielines shall be designated with a separate number.

(2) A number card shall be prepared for each roll. The entire set of cards, representing an equal number of monitor rolls, shall be thoroughly shuffled face down and the deck cut. The required number of cards shall be drawn from the top of the deck after completion of the cut to determine the roll or rolls from which the tallies will be made. These cards shall be withdrawn and used in order of their appearance in the pack from the top down.

(3) A digit shall be selected, as outlined in § 64.244(a).

(4) Each message of the types named in § 64.223 in the selected monitor rolls transmitted between 9:00 a.m. and 6:00 p.m., local time, on which the identifying wire number ends in the digit selected shall be tallied, until the quota is obtained.

* * * * *

[F.R. Doc. 64-8183; Filed, Aug. 12, 1964; 8:48 a.m.]

# Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

### Department of Health, Education, and Welfare

Section 213.3316 is amended to include one additional position of Special Assistant to the Assistant Secretary for Legislation. Effective upon publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (f) of § 213.3316 is amended as set out below.

**§ 213.3316 Department of Health, Education, and Welfare.**

* * * * *

(f) *Office of the Assistant Secretary for Legislation.*

(1) Three Special Assistants to the Assistant Secretary.

* * * * *

(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. 64-8152; Filed, Aug. 12, 1964; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 1 ]

### INCOME TAX; AMOUNTS RECEIVED UNDER WAGE CONTINUATION PLANS

#### Notice of Hearing

The proposed amendment to the regulations under section 105 of the Code, relating to amounts received under wage continuation plans, was published in the FEDERAL REGISTER for June 30, 1964.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Thursday, August 27, 1964, at 10:00 a.m., e.d.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by August 24, 1964.

[SEAL] CHARLES R. SIMPSON,
*Director, Legislation and Regulations Division, Internal Revenue Service.*

[F.R. Doc. 64-8182; Filed, Aug. 12, 1964; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### [ 50 CFR Part 12 ]

### CERTAIN WATERS WITHIN AND ADJACENT TO DELTA NATIONAL WILDLIFE REFUGE, LOUISIANA

#### Proposed Designation of Closed Area Under Migratory Bird Treaty Act

Notice is hereby given that it is proposed to designate an area closed to the hunting of migratory birds, as set forth below. The purpose of this designation is to aid administration of the Delta National Wildlife Refuge and to improve the effectiveness of the refuge for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposal to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all of the water area in Plaquemines Parish, Louisiana, within the following described boundary:

Beginning at the southeast corner of section 13, T. 20 S., R. 18 E., St. Helena Principal Meridian; thence S. 00°01′ E., 44.15 chains; thence S. 42°47′ E., 5.94 chains; thence S. 41°23′ E., 13.95 chains; thence S. 40°14′ E., 13.95 chains; thence S. 37°27′ E., 13.11 chains; thence East 9.76 chains; thence South 12.19 chains; thence S. 40°23′ E., 13.12 chains; thence S. 42°58′ E., 5.48 chains; thence S. 42°58′ E., 8.47 chains; thence S. 44°23′ E., 10.68 chains; thence East 14.48 chains; thence South 14.89 chains; thence S. 42°35′ E., 10.95 chains; thence S. 42°21′ E., 11.67 chains; thence S. 39°39′ E., 10.95 chains; thence S. 39°39′ E., 3.06 chains; thence S. 35°00′ E., 14.00 chains; thence S. 35°00′ E., 14.00 chains; thence S. 35°00′ E., 14.00 chains; thence S. 33°30′ E., 3.88 chains; thence East 9.67 chains; thence South 14.67 chains; thence S. 33°00′ E., 5.94 chains; thence S. 32°31′ E., 14.61 chains; thence S. 32°00′ E., 9.46 chains; thence East 3.90 chains; thence South 6.24 chains; thence S. 32°00′ E., 53.18 chains to the northwest corner of radial section 13, T. 21 S., R. 19 E.; thence southwesterly along the northwest line of said radial section 13 approximately 116 chains to the southwest corner thereof, which point lies now in the Mississippi River; thence southeasterly along the southwest lines of radial sections 13 through 27, inclusive, in T. 21 S., R. 19 E., to the southernmost corner of radial section 27, which point also lies in the Mississippi River; thence N. 47°54′ E., 46.00 chains; thence S. 08°58′ E., 16.35 chains to a point common to radial section 29, Lots 1 and 2 to radial section 28, Lots 1 and 2, marked by an 8″ x 10″ creosoted pine post scribed "T21S RI9E 1 2 28"; thence S. 50°41′ E., 13.84 chains; thence S. 47°53′ W., 46.00 chains to the southernmost corner of radial section 29; thence S. 30°00′ E., 41.00 chains to the southernmost corner of radial section 32, T. 21 S., R. 19 E.; thence N. 47°53′ E., 116.00 chains to the northeast corner of radial section 32; thence S. 30°00′ E., 56.00 chains; thence S. 30°51′ E., 14.00 chains; thence S. 33°00′ E., 16.62 chains; thence S. 23°27′ E., 10.19 chains; thence S. 29°05′ E., 10.45 chains; thence S. 49°16′ E., 9.62 chains; thence S. 69°41′ E., 11.01 chains; thence N. 85°45′ E., 1.08 chains to the south point of the line common to fractional sections 25 and 26, T. 21 S., R. 19 E.; thence N. 85°45′ E., 9.54 chains;

Thence N. 50°54′ E., 11.79 chains; thence N. 47°16′ E., 10.87 chains; thence N. 53°50′ E., 10.73 chains, thence N. 43°23′ E., 12.08 chains; thence N. 48°42′ E., 13.05 chains; thence N. 62°00′ E., 18.00 chains to corner common to radial sections 49 and 50 in S¼ boundary of fractional section 25; thence South 99.00 chains; thence East 59.00 chains to the southwest corner of T. 21 S., R. 20 E.; thence North 13.50 chains; thence S. 83°22′ E., 30.49 chains; thence N. 51°08′ E., 25.76 chains; thence S. 88°37′ E., 41.25 chains; thence N. 83°34′ E., 17.89 chains; thence N. 44°34′ E., 7.54 chains; thence N. 65°41′ E., 28.68 chains; thence N. 21°52′ E., 19.70 chains; thence N. 59°22′ E., 22.73 chains; thence N. 37°42′ E., 13.64 chains; thence N. 54°12′ E., 52.49 chains; thence N. 12°03′ W., 18.18 chains; thence N. 47°28′ E., 29.30 chains; thence S. 66°57′ E., 21.26 chains; thence N. 60°50′ E., 34.84 chains; thence S. 36°37′ E., 22.72 chains; thence S. 86°37′ E., 42.42 chains; thence N. 32°24′ E., 12.12 chains; thence N. 07°07′ W., 17.23 chains; thence N. 19°40′ W., 25.00 chains, approximate intersection of north boundary of T. 22 S., R. 20 E., fractional section 1, and east boundary of T. 21 S., R. 20 E., fractional section 23; thence N. 13°20′ E., 25.92 chains; thence N. 23°27′ E., 50.92 chains; thence N. 36°04′ E., 37.87 chains; thence N. 74°57′ W., 23.24 chains; thence N. 23°28′ W., 36.36 chains; thence N. 43°09′ W., 19.28 chains; thence S. 88°26′ W., 16.03 chains; thence N. 11°34′ W., 42.42 chains; thence N. 42°26′ E., 25.75 chains; thence N. 15°34′ W., 25.75 chains; thence N. 53°04′ W., 19.70 chains; thence N. 38°41′ E., 29.91 chains; thence N. 79°13′ E., 21.21 chains; thence N. 26°17′ W., 50.00 chains; thence N. 58°21′ W., 15.84 chains; thence N. 32°14′ E., 10.61 chains; thence N. 29°16′ W., 18.18 chains; thence N. 07°16′ W., 15.15 chains; thence N. 36°14′ W., 13.75 chains; thence N. 08°13′ W., 13.64 chains; thence N. 57°44′ W., 19.70 chains;

Thence N. 02°13′ W., 18.18 chains; thence N. 29°12′ W., 14.17 chains; thence N. 00°43′ W., 24.24 chains; thence N. 60°14′ W., 16.73 chains; thence N. 12°41′ W., 31.82 chains; thence S. 72°17′ W., 18.94 chains; thence S. 85°22′ W., 30.37 chains; thence N. 02°38′ E., 26.07 chains; thence N. 89°50′ W., 5.75 chains; thence N. 89°50′ W., 13.81 chains; thence N. 22°19′ W., 15.15 chains; thence N. 88°42′ W., 3.79 chains; thence S. 55°14′ W., 11.73 chains; thence S. 85°11′ W., 15.16 chains; thence N. 57°52′ W., 9.92 chains; thence N. 44°37′ W., 16.65 chains; thence N. 07°52′ W., 17.63 chains; thence N. 25°52′ W., 15.88 chains; thence N. 08°36′ W., 17.79 chains; thence N. 06°40′ W., 29.18 chains; thence N. 11°32′ W., 17.37 chains; thence N. 01°54′ E., 15.14 chains; thence N. 01°58′ E., 7.59 chains; thence N. 24°58′ W., 19.69 chains; thence N. 01°54′ E., 22.74 chains; thence N. 36°06′ W., 15.15 chains; thence N. 36°03′ W., 21.63 chains; thence N. 25°18′ W., 16.65 chains; thence N. 40°39′ W., 28.38 chains; thence N. 40°37′ W., 14.96 chains; thence S. 81°15′ W., 5.98 chains to the mouth of Main Pass; thence southerly and with the right bank of Main Pass S. 8°48′ E., 26.25 chains; thence S. 07°27′ E., 13.84 chains to the line between T. 20 S., R. 20 E., fractional section 5, and T. 19 S., R. 20 E., fractional section 32, with the right bank of Main Pass; thence S. 07°27′ E., 0.37 chain; thence S. 10°44′ E., 21.50 chains; thence S. 10°42′ E., 20.00 chains; thence S. 08°06′ W. (crossing Cottam Pass) 20 chains; thence S. 16°35′ W., 19.94 chains, to the intersection of the line between frac-

tional sections 5 and 8 with the right bank of Main Pass; thence S. 16°35′ W., 10.56 chains; thence S. 15°29′ W., approximately 15.00 chains to a point on the right bank of Main Pass, thence due westerly across Main Pass approximately 30.00 chains to a concrete marker on the left bank of Main Pass, marked "22 R20E T20S S 7 SMC 1936", set and supported by a 4″ x 4″ cypress piling;

Thence N. 13°53′ W., 10.63 chains; thence N. 45°08′ W., 10.91 chains; thence N. 72°09′ W., 12.21 chains; thence S. 56°14′ W., 6.85 chains; thence S. 33°01′ W., 6.90 chains; thence N. 77°45′ W., 15.99 chains; thence S. 74°36′ W., 5.83 chains; thence S. 74°31′ W., 8.06 chains, in the line between T. 20 S. and Rs. 19 and 20 E., fractional section 7 and section 12; thence S. 74°31′ W., 3.73 chains; thence S. 34°38′ W., 10.73 chains; thence S. 71°28′ W., crossing Octave's Pass, 3.62 chains to a point on the left bank of Octave's Pass; thence N. 65°17′ W., 26.26 chains; thence S. 78°36′ W., 11.04 chains; thence S. 78°18′ W., crossing west fork 2.03 chains; thence N. 42°49′ W., 5.20 chains; thence N. 32°51′ W., 5.93 chains; thence N. 14°29′ W., 7.06 chains; thence N. 05°58′ W., 0.52 chain, to a point in the line between fractional section 1 and section 12 on the left bank of west fork; thence N. 05°58′ W., 8.63 chains; thence N. 07°49′ W., 16.00 chains; thence N. 40°47′ W., 6.21 chains; thence S. 79°08′ W., 6.73 chains; thence S. 63°06′ W., 8.90 chains to a point in the line between fractional sections 1 and 2 on the south shore of Breton Sound, marked by a USBS standard concrete post marked "52 R19E T20S S1 S2 MC 1936", set and supported by a 4″ x 4″ concrete piling; thence S. 63°06′ W., 1.00 chain; thence S. 17°35′ W., 9.00 chains; thence S. 24°04′ W., 16.20 chains to the line between fractional sections 2 and 11 on the south shore of Breton Sound; thence S. 24°04′ W., 3.57 chains; thence S. 11°59′ E., 11.41 chains; thence S. 86°47′ W., 14.97 chains; thence S. 53°54′ W., 7.56 chains; thence S. 39°11′ W., 8.42 chains; thence S. 03°24′ E., 11.66 chains; thence S. 47°37′ E., 11.52 chains; thence S. 71°49′ W., 6.66 chains; thence S. 70°58′ W., 11.99 chains; thence N. 68°40′ W., 21.24 chains; thence S. 66°31′ W., 11.73 chains; thence S. 16°25′ W., 18.66 chains, to a point in the line between fractional sections 10 and 11 in T. 20 S., R. 19 E., in a bayou; thence N. 46°46′ W., 10.32 chains; thence N. 04°08′ W., 19.10 chains; thence N. 53°30′ W., 5.38 chains; thence S. 40°09′ W., 9.29 chains, to a point at the mouth and at the right bank of Romere's Pass;

Thence N. 21°39′ W., 14.39 chains; thence S. 89°17′ W., 10.12 chains; thence S. 36°17′ W., 23.87 chains; thence S. 47°04′ W., 19.63 chains; thence S. 23°28′ W., 15.35 chains; thence N. 68°58′ W., 11.60 chains, to the line between fractional sections 9 and 10, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence N. 68°58′ W., 5.90 chains; thence S. 73°23′ W., 11.96 chains; thence N. 86°57′ W., 7.52 chains; thence S. 31°37′ W., 6.47 chains, to the line between fractional sections 9 and 16, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence S. 31°37′ W., 25.09 chains; thence S. 45°36′ W., 13.03 chains; thence S. 06°08′ E., 18.00 chains; thence crossing the mouth of Yuratich Bend, N. 86°18′ W., 11.92 chains; thence N. 49°43′ W., 11.87 chains, thence S. 62°49′ W., 4.39 chains; thence N. 61°06′ W., 6.78 chains; thence N. 34°28′ W., 1.48 chains, to a point in the line between fractional sections 16 and 17, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence N. 34°28′ W., 5.86 chains; thence S. 73°36′ W., 8.32 chains; thence S. 63°11′ W., 7.00 chains; thence S. 38°30′ W., 9.47 chains; thence S. 67°49′ W., crossing the mouth of Buras Bayou 3.16 chains; thence N. 54°06′ W., 7.62 chains; thence S. 54°11′ W., 9.23 chains, to the intersection of the north-south centerline, Sec. 17, T. 20 S., R. 19 E., with the south shore of Breton Sound, marked by a USBS standard concrete post "47 R19E T20S SMC S17 C–C 1936", and supported by a 4″ x 4″ concrete piling and an 8″ x 10″ creosoted pine post; thence S. 32.31 chains to the one-quarter corner between fractional section 17 and section 20, T. 20 S., R. 19 E.; thence east with the line common to Sec. 17 and Sec. 20, 4.61 chains; thence S. 33°01′ W., 2.07 chains, crossing a bayou connecting Buras Bayou with Oscar's Pass; thence S. 32°59′ W., 28.40 chains; thence S. 72°28′ W., 24.82 chains; thence N. 52°58′ W., 5.47 chains, to the line between fractional section 19 and section 20, in T. 20 S., R. 19 E.; thence N. 52°58′ W., 3.35 chains; thence N. 52°59′ W., 4.87 chains to the east bank of Oscar's Pass; thence N. 52°58′ W., 10.88 chains; thence N. 52°56′ W., 4.33 chains; thence N. 71°01′ W., 47.91 chains; thence N. 89°56′ W., 16.02 chains to the point of beginning.

STEWART L. UDALL,
*Secretary of the Interior.*

AUGUST 7, 1964.

[F.R. Doc. 64–8166; Filed, Aug. 12, 1964; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 987 ]

## DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

### Proposed Expenses of Administrative Committee and Rate of Assessment for 1964–65 Crop Year

Notice is hereby given of a proposal regarding expenses of the Date Administrative Committee for the 1964–65 crop year and rate of assessment for that crop year, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 29 F.R. 9706), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Date Administrative Committee has unanimously recommended for the 1964–65 crop year beginning August 1, 1964, a budget of expenses in the total amount of $34,528 (including $2,500 for an operating monetary reserve) and an assessment rate of 13 cents per hundred pounds of assessable dates. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable poundage is estimated by the Committee at 26.56 million pounds.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the eighth day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

**§ 987.309 Expenses of the Date Administrative Committee and rate of assessment for the 1964–65 crop year.**

(a) *Expenses.* Expenses (including $2,500 for the maintenance of an operating monetary reserve fund) in the amount of $34,528 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1964, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 13 cents per hundredweight on all dates he has certified as meeting the requirements for marketable dates including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f) during the crop year.

Dated: August 7, 1964.

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

[F.R. Doc. 64–8170; Filed, Aug. 12, 1964; 8:47 a.m.]

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## [ 7 CFR Part 993 ]

## DRIED PRUNES PRODUCED IN CALIFORNIA

### Proposed Expenses of Administrative Committee and Rate of Assessment for 1964–65 Crop Year

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1964–65 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has unanimously recommended for the crop year beginning August 1, 1964, a budget of expenses in the total amount of $76,000 and an assessment rate of 50 cents per ton of assessable prunes. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 152,000 tons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after

the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

**§ 993.315 Expenses of the Prune Administrative Committee and rate of assessment for the 1964–65 crop year.**

(a) *Expenses.* Expenses in the amount of $76,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1964, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at 50 cents per ton of prunes received by him from producers and dehydrators.

Dated: August 7, 1964.

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

[F.R. Doc. 64-8169; Filed, Aug. 12, 1964; 8:47 a.m.]

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**[ 7 CFR Part 1047 ]**

[Docket No. AO-33-A29]

## MILK IN FORT WAYNE, INDIANA, MARKETING AREA

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

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

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Fort Wayne, Indiana, on July 21, 1964, pursuant to notice thereof which was issued July 6, 1964 (29 F.R. 9398).

The material issue on the record of the hearing relates to the limits on diversion of producer milk to nonpool plants.

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

The order should be amended to provide an optional basis for the diversion of producer milk to nonpool plants during each September through December period. A cooperative association should be allowed to divert either one-half of the days of production of each member producer as presently permitted, or, under the option, a maximum of 35 percent of all milk of its members. Similarly, the operator of a pool plant should be allowed to divert the milk of each of the producers delivering to his plant (except members of a cooperative which is diverting milk on a percentage basis) to the extent of one-half of the days of the producer's production in each such month, or an aggregate of 35 percent of the milk of all such producers supplying his plant. The order should require further that the milk of each producer diverted to a nonpool plant under the optional "percentage" provision be received at a pool plant for at least one day during the month.

The present order permits diversion of producer milk to nonpool plants without limitation during January through August. For September through December milk may be diverted for a maximum of one-half of the days of production of the individual producer. Proponent cooperative has encountered operating problems under the present diversion limits effective in the fall months which have increased hauling costs and caused accounting problems. To eliminate these difficulties, it was proposed that any cooperative association with 65 percent of its milk received at pool plants during the month in the September through December period be permitted to divert individual member producers without limit in such month.

Proponent cooperative supplies several Fort Wayne handlers with their full supplies of milk. Milk surplus to the precise plant requirements of the individual handler is diverted by the cooperative to its manufacturing plant located in Fort Wayne. During September, October, November, and December, 1963, the cooperative diverted 18, 14, 21 and 23 percent, respectively, of its member milk to the manufacturing plant.

The cooperative has developed a system which it finds to be efficient for allocating its member milk to the several bottling plants. Under this system the cooperative assigns those producers on its larger farm bulk tank routes (routes picked up by a single bulk tank truck carrying about 30,000 pounds of milk) on a regular basis to pool plants. This milk is the nucleus of the raw milk supply for the receiving handlers and is diverted to the manufacturing plant only occasionally during the month. The association uses its smaller farm bulk tank routes (delivered in bulk tank trucks holding about 12,000 pounds of milk) as balancing routes. On days of peak demand for bottling, the cooperative supplies handlers with extra milk from the lower-volume routes. Since some handlers need only limited amounts of extra milk, use of the smaller loads for this purpose has enabled the cooperative to satisfy the precise demands of handlers for milk with efficient handling of the milk as delivered from the farm.

At times, however, the producer milk on the balancing routes is needed at pool plants for only a few days during the month. Last year during September through December, for example, the cooperative, because of the nature of its hauling and handling operations, experienced considerable difficulty in attaining delivery to pool plants of the production of certain producers on the required number of days during the month. To do so the cooperative had to divert considerable amounts of producer milk on the larger routes away from regular outlets to the cooperative's manufacturing plant. Producer milk on the smaller routes, normally delivered to pool plants only on peak bottling days, was then shipped there for the additional days necessary to qualify it as producer milk. This added to milk hauling costs and created accounting problems for the cooperative. It also made efficient allocation of the milk among handlers difficult since the diversion limit prevented full use of the cooperative's regular system for assigning milk among handlers.

A percentage diversion provision would be more flexible and would permit more efficient marketing. With such a provision the producer milk on the balancing routes could remain priced and pooled under the order without the necessity of uneconomic shifting of supplies. A percentage limit which would not require each producer's milk to be received at a pool plant for one-half of the days of production thus would permit the cooperative to supply the precise milk needs of handlers at all times at minimum cost to the producers.

As an alternative to the present days of production limitation, a cooperative therefore should be enabled to divert up to 35 percent of its member milk to nonpool plants provided each producer's milk is received at a pool plant for one day during the month. The latter requirement will insure that the milk of each producer continues to be available to the market.

The size of the percentage diversion limit contained in the cooperative's proposal, 35 percent of a cooperative association's member milk, is appropriate for this purpose. Although proponent diverted a somewhat smaller percentage in the fall of 1963, a 35 percent limit is necessary to provide an adequate operating margin. Proponent's diversions this year could be higher than those of 1963. This is so because the cooperative currently supplies bottlers who sell major portions of their packaged milk to large wholesale outlets for distribution through supermarkets. Competition for these store contracts is keen and these accounts can change hands on short notice. Loss of wholesale accounts may

significantly lower milk requirements of a particular bottler and, in turn, could force the cooperative to divert to its manufacturing plant greater-than-normal amounts of milk.

The more flexible percentage system for diversions of producer milk should apply also with respect to proprietary operators of pool plants. Some handlers receiving non-member producer milk dispose of excess supplies by diversion to nonpool plants. An appropriate percentage limit for such handlers is 35 percent of the milk of producers (except members of a cooperative which is diverting milk on a percentage basis) supplying the pool plant. This percentage should cover the quantities which pool plant operators would normally divert during the fall months. For the reasons previously stated in the discussion of the application of the provision to cooperative associations, operators of pool plants also should be required to receive the milk of each producer at a pool plant for at least one day during the month.

Proprietary handlers should have the same opportunity to realize economies such as those which would accrue to the proponent cooperative under the percentage diversion system. It is frequently possible for a diverting handler to cut milk hauling costs by diverting certain loads of producer milk to nonpool plants for a greater portion of the time while receiving milk from other producers nearly every day. Proponent cooperative did not oppose giving proprietary handlers such a diversion privilege.

Under the new provision a proprietary handler should not be permitted to divert the milk of members of a cooperative which is diverting milk on a "percentage" basis. Such a limitation is necessary to prevent double accounting on cooperative association member milk. Without such a restriction a cooperative could divert a full 35 percent of its member milk. At the same time a handler could divert either one-half of the days of production of these producers or 35 percent of their milk. This could result in diversions of member milk considerably in excess of the 35 percent limit included in the order to cover surplus disposal requirements.

For administrative application of the provision, the order should specify what is to be done when a cooperative or the operator of a pool plant "over-diverts" milk. When the days-of-production limit is exceeded only that milk of the individual producer which was received at a pool plant or which was diverted to a nonpool plant for not more than one-half of the days of production should be producer milk under the order. When the percentage system is elected and milk is over-diverted, an amount of milk equal to the quantity diverted in excess of the 35 percent limit should not be producer milk. In this case the cooperative or the operator of the pool plant should designate the dairy farmers whose milk is ineligible as producer milk. If a cooperative or a pool handler fails to designate the dairy farmers whose milk is ineligible, making it infeasible for the market administrator to determine which milk was over-diverted, all milk diverted to nonpool plants by such handlers should be made ineligible as producer milk. Use of the above procedures will provide practical methods for identification of the milk eligible for pricing and pooling under the order. At the same time maximum flexibility in handler operations will be permitted.

*Rulings on proposed findings and conclusions.* No briefs were filed on behalf of interested parties.

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

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

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

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

*Recommended marketing agreement and order amending the order.* The following order amending the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1047.14 is revised to read as follows:

**§ 1047.14 Producer milk.**

Producer milk means all skim milk and butterfat which is:

(a) Physically received at a pool plant directly from producers; or

(b) Diverted by the operator of a pool plant or by a cooperative association, subject to the following conditions:

(1) The operator of a pool plant may divert the milk production of a producer to the pool plant of another handler for not more than one-half of the days of production during the month.

(2) During January through August the operator of a pool plant or a cooperative association may divert the milk production of a producer from a pool plant to a nonpool plant (other than that of a producer-handler) on any number of days during the month.

(3) During September through December the milk of a producer which may be diverted to a nonpool plant (other than that of a producer-handler) by the operator of a pool plant or a cooperative association, respectively, shall be limited to the amounts specified in subdivisions (i) and (ii) of this subparagraph:

(i) The operator of a pool plant may divert the milk of producers (except producer members of a cooperative association which is diverting milk under the percentage limit of subdivision (ii) of this subparagraph) on not more than one-half of the days of production of each such producer, respectively, or he may divert an aggregate quantity not exceeding 35 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least one day during the month.

(ii) A cooperative association may divert the milk of its individual member producers on not more than one-half of the days of production of each such producer, respectively, or it may divert an aggregate quantity of the milk of member producers whose milk has been received at pool plants for at least one day during the month not exceeding 35 percent of all such milk either caused to be delivered to pool plants or diverted to nonpool plants by the cooperative association.

(4) When milk is diverted in excess of the limit by a handler who elects to divert on the basis of days-of-production only that milk of the individual producer which was received at a pool plant or which was diverted to a nonpool plant for not more than one-half of the days-of-production shall be considered producer milk. Should milk be diverted to a nonpool plant in excess of the percentage limit by a handler who elects to divert on a percentage basis, eligibility as producer milk shall be forfeited on a quantity of milk equal to such excess. In such instances the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler.

(5) Milk diverted for the account of the operator of a pool plant shall be considered to have been received at the pool plant from which diverted and milk diverted for the account of a cooperative association shall be considered to have been received at the location of the pool plant from which diverted.

Signed at Washington, D.C., on August 10, 1964.

CLARENCE H. GIRARD,
*Deputy Administrator.*

[F.R. Doc. 64-8188; Filed, Aug. 12, 1964; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 151 [New] ]

[Reg. Docket No. 6143; Notice 64-39]

## FEDERAL AID TO AIRPORTS

### Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to incorporate into Part 151 [New] of the Federal Aviation Regulations the equal employment opportunity regulations prescribed by the President's Committee on Equal Employment Opportunity (28 F.R. 9812) to implement Executive Order 11114 of June 22, 1963 (28 F.R. 6485) as these provisions apply to construction contracts for airport projects undertaken with Federal aid granted under the Federal Airport Act, as amended (49 U.S.C. 1101 through 1119). These contracts are encompassed in the definition of federally assisted construction contracts to which Executive Order 11114 makes applicable the provisions of Part III of Executive Order 10925 of March 6, 1961 (3 CFR, 1961 Supp., page 86), amending it at the same time.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before September 14, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Implementing the requirement of section 101 of Executive Order 11114 that amended section 301 of Executive Order 10925 should be incorporated in such contracts, the committee regulations prescribe an equal opportunity clause in § 60-1.3(b)(1). This amendment to Part 151 would accomplish the required incorporation by reference in paragraph (b) of new § 151.54. The same provisions, as well as § 60-1.5(c)(2) of the committee regulations, also require that sponsors of airport projects agree to the incorporation of this clause in these contracts and that they undertake certain other obligations, thus also implementing the second sentence of section 101 of Executive Order 11114. Section 60-1.3(b)(1) of the committee regulations therefore would be incorporated in its entirety in the FAA's grant agreements with sponsors by reference in paragraph (a) of new § 151.54. Also inserted in paragraph (a) would be the provision required by § 60-1.5(c)(2) of the committee regulations that this Agency indicate that it is primarily responsible for sponsors' compliance with the equal opportunity clause.

The other provisions of the committee regulations which are to be reflected in FAA regulations also would be made effective by incorporation in new § 151.54. These are the directions in § 60-1.6(a) that the Agency require nonexempt contractors and subcontractors to file certain compliance reports (§ 151.54(c)); and the directions in § 60-1.6(b)(1) that the Agency require certain statements from bidders and prospective contractors (§ 151.54(d)). The enforcement and complaint provisions of Subpart B of the committee regulations would be made applicable by reference in § 151.54 (e). Finally, § 151.47 would be amended to require advertisements for bids to inform bidders of the contract and reporting provisions now required by new § 151.54.

New § 151.54 would be made applicable to grant agreements made or modified on or after its effective date. The applicability of § 151.49(a)(17), the existing provision with respect to equal employment opportunity, would be limited to contracts made under grant agreements entered into before the effective date of § 151.54. Construction contracts which are made under grant agreements subject to § 151.54 would have to comply with the applicable provisions of that section.

In consideration of the foregoing, notice is hereby given that it is proposed to amend Part 151 [New] of Title 14, Chapter I, Code of Federal Regulations, in the following respects:

§ 151.47 [Amended]

1. A new sentence is inserted between the first and second sentences of paragraph (b) of § 151.47 to read: "The advertisement shall inform the bidders of the contract and reporting provisions required by § 151.54."

§ 151.49 [Amended]

3. Paragraph (b) of § 151.49 is amended by adding a sentence to read: "Subparagraph (17) of paragraph (a) of this section does not apply to contracts made under grant agreements entered into after _____."

4. A new § 151.54 is added to read:

**§ 151.54 Equal employment opportunity requirements.**

In conformity with Executive Order 11114 of June 22, 1963 (28 F.R. 6485) and regulations prescribed by the President's Committee on Equal Employment Opportunity (41 CFR Part 60-1, 28 F.R. 9812, 11305, referred to herein by section numbers of Part 60-1), the provisions referred to below are incorporated by reference into this part.

(a) *Equal employment opportunity requirements.* There are hereby incorporated by reference into this part, as requirements, the provisions of § 60-1.3 (b)(1). The FAA is primarily responsible for the sponsor's compliance.

(b) *Equal employment opportunity requirements in construction contracts.* The sponsor shall cause the "equal opportunity clause" in § 60-1.3(b)(1) to be incorporated into all prime contracts and subcontracts as required by § 60-1.3(c).

(c) *Reporting requirements for contractors and subcontractors.* The sponsor shall cause the filing of compliance reports by contractors and subcontractors as provided in § 60-1.6(a) and the furnishing of such other information as may be required under that provision.

(d) *Bidders' reports.* (1) The sponsor shall include in his invitations for bids or negotiations for contracts, and shall require his contractors to include in their invitations for bids or negotiations for subcontracts, the following provisions based on § 60-1.6(b)(1):

Each bidder, prospective contractor or proposed subcontractor shall state as an initial part of the bid or negotiations of the contract whether he has participated in any previous contract or subcontract subject to the equal opportunity clause and, if so, whether he has filed with the President's Committee on Equal Employment Opportunity or the contracting or administering agency all compliance reports due under applicable instructions. In any case in which a bidder or prospective contractor or proposed subcontractor who has participated in a previous contract or subcontract subject to the equal opportunity clause has not filed a compliance report due under applicable instructions, such bidder, prospective contractor or proposed subcontractor shall submit a compliance report prior to the award of the proposed contract or subcontract. When a determination has been made to award a contract to a specific contractor, such contractor shall, prior to award, furnish such other pertinent information regarding his own employment policies and practices as well as those of his proposed subcontractors as the FAA, the sponsor, or the Executive Vice Chairman of the President's Committee may require.

(2) The sponsor or his contractors shall give express notice of the requirements of this paragraph (d) in all invitations for bids or negotiations for contracts.

(e) *Enforcement.* The FAA conducts compliance reviews, handles complaints and, where appropriate, conducts hearings and imposes, or recommends to the Committee, sanctions, as provided in Subpart B—General Enforcement; Complaint Procedure of Part 60-1.

(f) *Exempted contracts.* Except for subcontracts for the performance of construction work at the site of construction, the requirements of this section do not apply to subcontracts below the second tier (§ 60-1.3(c)). The requirements of this section do not apply to contracts and subcontracts exempted by § 60-1.4.

(g) *Meaning of terms.* The term "applicant" in the provisions of Part 60-1 incorporated by reference in this section means the sponsor, except where the Committee Regulations refer to an applicant for employment, and the term "administering agency" therein means the FAA.

(h) *Applicability to existing agreements and contracts.* This section applies to grant agreements made on or after [effective date of this amendment]. It applies to contracts and subcontracts as defined in § 60-1.2(i) and (k) of Part 60-1 made in accordance with a grant agreement to which this section applies.

These amendments are proposed under the authority of the Federal Airport Act (49 U.S.C. 1101 through 1119), Executive Order 11114 of June 22, 1963 (28 F.R. 6485), and Regulations of the President's Committee on Equal Employment Opportunity (41 CFR Part 60-1, 28 F.R. 9812, 11305).

Issued in Washington, D.C., on August 11, 1964.

N. E. HALABY,
*Administrator.*

[F.R. Doc. 64-8232; Filed, Aug. 12, 1964; 8:50 a.m.]

# Notices

## ATOMIC ENERGY COMMISSION

### STATE OF KANSAS

### 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 Kansas 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 Kansas and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Kansas 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 and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. 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, D.C., 20545, 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 4th day of August 1964.

For the Atomic Energy Commission.

F. T. HOBBS,
*Acting Secretary to the Commission.*

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF KANSAS 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 Kansas is authorized under Chapter 290 of the 1963 Session Laws of the State of Kansas to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Kansas certified on July 24, 1964, that the State of Kansas (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 producer 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 i. 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 January 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

POLICIES AND PROCEDURES

*Introduction*

*Foreword.* The following narrative presents a brief description of the history, practices, capabilities and proposed activities of the Industrial, Radiation and Air Hygiene Program of Environmental Health Services, Kansas State Department of Health, particularly as they relate to the assumption of certain regulatory functions of the United States Atomic Energy Commission.

Section 274b of the Atomic Energy Act of 1954, as amended, authorizes the Atomic Energy Commission to enter into an agreement with the Governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass. Discontinuance of the Federal government's responsibilities with respect to these sources of ionizing radiation and assumption thereof by the State is made

when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer licensing and regulatory authority of such sources.

The Nuclear Energy Development and Radiation Control Act, Chapter 290, 1963 Legislature, State of Kansas, authorizes the Governor of Kansas to enter into agreements with the Federal government, to appoint from among the residents of the State a Nuclear Energy Advisory Council; and designates the Kansas State Board of Health as the official agency responsible for radiation control. Further, the Act: Instructs the Board, (a) to develop programs for evaluation of hazards associated with the use of radiation, (b) develop programs, with due regard for compatibility with Federal programs, for regulation and inspection of byproduct, source and special nuclear materials; and authorizes the Board, (a) to require licensing or registration of all sources of ionizing radiation, (b) to provide for recognition of other State or Federal licenses, and (c) to enter into, subject to the approval of the Governor, an agreement or agreements with the Federal government, other States or intrastate agencies, for inspections or other functions relating to the control of ionizing radiation. The Act provides that the State regulatory program will be maintained so as to provide for compatibility with the regulatory programs of the Federal government and, insofar as possible, with the regulatory programs of other States.

Attached to this narrative are copies of the Proposed Agreement, the Nuclear Energy Development and Radiation Control Act, the Kansas Radiation Protection Regulations, various forms and résumés, and a statement of the policies and procedures to be utilized by the Radiological Health Section of the Industrial, Radiation and Air Hygiene Program of Environmental Health Services, Kansas State Department of Health pursuant to an agreement between the United States Atomic Energy Commission and the State of Kansas.

*History.* The Kansas State Department of Health has been involved in radiological health activities since the mid-1940's through the industrial hygiene, (or occupational health) programs where occupational radiation exposures were encountered. Problems at that time included radiation exposures in radium dial painting, industrial radiography, and the use of thorium in the manufacture of lamp and lantern mantles.

In 1949 the State Board of Health was designated by the Governor as the State agency to receive and be responsible for keeping data and information from the Atomic Energy Commission concerning those persons and organizations in Kansas who were issued authorizations to acquire and use radioactive isotopes produced in the atomic energy program. Since that time, personnel of the Department of Health have made joint inspections with the representatives of the Atomic Energy Commission of those holders of authorizations; and since 1957 when the authorization program was changed to a licensing program, of those licensees of the Atomic Energy Commission who are licensed to possess and use byproduct, source and special nuclear materials.

In 1950 the State Board of Health adopted a regulation requiring the placarding of all shoe fitting flouroscopes in the State with appropriate warning signs. In connection with this regulation, Department personnel conducted a radiation survey of all the shoe fitting fluoroscopes in the State.

In October of 1956 a Radiological Health Advisory Committee to the State Board of Health was assembled for the purpose of advising the staff of the Department on technical matters relating to radiation problems and to recommend to the Board such action as the Committee might deem desirable. The membership of the Committee included individuals especially qualified to represent the various fields of endeavor where radiation is utilized such as: medicine, dentistry, industry, agriculture, research, and teaching. This Committee worked with the staff in all important phases of the program, particularly in the formulation of radiation protection regulations and proposed legislation. The State Board of Health adopted a regulation prohibiting shoe fitting fluoroscopes, and requiring registration of radiation sources, and the Board supported a radiation protection act which was adopted by the 1959 Legislature.

The Radiation Protection Act of the 1959 Legislature gave the State Board of Health broad responsibility and authority for radiation protection, required registration of all radiation sources in the State, and required adoption of necessary regulations by the Board. This legislative session also produced an Atomic Energy Development Act which empowered the Governor to appoint a Governor's Atomic Energy Advisory Council and a Coordinator of Atomic Energy Development Activities. The Council was charged with the responsibility of advising the Governor and Coordinator concerning the development, utilization and regulation of atomic energy and other forms of radiation.

After two years of study and development by the Department staff and the Radiological Health Advisory Committee to the State Board of Health, a comprehensive set of Radiation Protection Regulations was completed. These regulations were approved by the Governor's Atomic Energy Advisory Council, and after a public hearing, adopted by the Board, becoming effective September 1, 1961.

The 1961 regulations provided for the registration of all sources of ionizing radiation with the Department of Health and for appropriate control of these sources. The Department developed a comprehensive radiation control program designed to govern and ensure safeguards for the various aspects of use, transfer, storage and disposal of radiation sources and machines. This program expanded with the increasing use of radioactive sources, X-ray machines and other radiation producing equipment.

The primary emphasis in the radiation control program has been placed on those radiation sources not regulated or otherwise under the jurisdiction of the Atomic Energy Commission such as X-ray machines and radium sources. As of January 1, 1964, there were approximately 2500 X-ray machines and 65 radium users in the State. Periodic, routine inspectional surveys are conducted to determine and correct radiological health hazards associated with the use of medical, dental, and industrial radiographic X-ray installations, and radium users. As of January, 1964, approximately 50 percent of the X-ray installations have been surveyed, and approximately 75 percent of the radium installations have been surveyed. This survey work is increasing rapidly as the Department staff grows, allowing a sufficient number of manhours to be devoted to the inspection program.

Additional program areas were developed in order to provide a complete and comprehensive radiation control program. These activities included a program of environmental monitoring for air, surface water, and milk; vehicle registration and identification for those vehicles transporting sources of ionizing radiation within the State; radioactivity countermeasures evaluations and planning; and an emergency plan for handling incidents involving transport of radioactive materials.

Current inspections of installations include a complete review by the inspector of the user's equipment and facilities; the method and equipment for handling and storage of radioactive materials; interviews with the personnel responsible for both radiation safety and actual operations using the radioactive material; survey methods and results; posting and labeling of the sources and areas with the proper signs and labels; methods and effectiveness of maintaining control of individuals in restricted areas; records of receipts, transfers, inventories, and disposal of radioactive materials or machines; and disposal of radioactive materials to the sewer system or the soil. Inspection procedures of this general type will be used in the future for inspections of all installations using radioactive material and/or radiation producing machines.

*Program Description*

The Radiation Control Program proposed under an agreement will be conducted by the Radiological Health Section of the Industrial, Radiation and Air Hygiene Program, Environmental Health Services, Kansas State Department of Health.

*Licensing and registration.* The State program will control all sources of ionizing radiation, other than those sources for which regulatory authority has been retained by the Atomic Energy Commission. Provisions have been made for the issuance of general and specific licenses for radioactive materials. Such licenses are required for the receipt, use, possession, transfer or disposal of all radioactive materials regardless of the form of such materials. Allowances have been made for exemptions of certain items which contain less than specified amounts of radioactive material of particular types. Examples of such exemptions are those for certain luminous timepieces, automobile lock illuminators, and thorium lamp and lantern mantles. Under the provisions of the regulations:

1. General licenses are effective without the filing of applications with the Department or the issuance of licensing documents to particular persons. The State will issue general licenses under specified circumstances when more stringent control by specific licenses is found to be unnecessary to protect public health and safety.

2. Specific licenses are issued by the State of Kansas to named persons upon applications filed pursuant to the regulations. Basically the regulations regarding specific licenses require that:

(a) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested;

(b) The applicant's proposed location, equipment, facilities, and procedures are adequate to protect health and minimize danger to life and property;

(c) The issuance of the license will not be inimical to the health and safety of the public;

(d) The material may be used only for the purpose authorized in the license;

(e) The material may not be transferred except to a person or persons authorized to receive it.

Every person not already registered who possesses a registrable item (any radiation machine capable of producing radiation), on the effective date of the regulations is required to re-register with the Department within 60 days of the effective date. Persons who acquire possession of a registrable item subsequent to the effective date are required to register within 30 days of the acquisition of such item or items.

A Medical Advisory Committee to the Radiological Health Section, consisting of three radiologists, one internist, one hematologist and one surgeon, which has a thorough knowledge and working experience with the use of radioactive materials in the practice of medicine, will be used for consultations and recommendation concerning license applications for the human use of radioactive materials. As general guides in the evalua-

tion of license applications, the Radiological Health Section and the Medical Advisory Committee will utilize applicable criteria as presented by Atomic Energy Commission publications including: "Licensing Requirements for Teletherapy Programs," "Licensing Requirements for Broad Licenses for Research and Development" "Licensing Requirements for Broad Medical Use," and "Medical Use of Radioisotopes." The Radiological Health Section and the Medical Advisory Committee will also maintain knowledge of current developments, techniques, and procedures for medical uses by contact and correspondence with the Atomic Energy Commission, and other agreement States.

*Inspection.* Periodic inspections will be conducted to determine a licensee's or registrant's degree of compliance with regulations and license conditions. These inspections will be performed by personnel of the Radiological Health Section who are qualified to evaluate radiological health hazards and are conversant with the regulations.

The majority of the inspections will be unannounced. The following frequency is planned, but may be either increased or decreased depending upon individual circumstances:

Industrial radiographers—once each 6 months.
Operations involving waste disposal—once each 6 months.
Broad licenses—Industrial, medical, academic—once each 12 months.
Specific licenses—Industrial, medical, academic—once each 24 months.
Other—Time available basis.

It is expected that all licensed activities will be inspected at least once in every two-year period.

Inspection visits will usually include a comprehensive review by the inspector of the licensee's equipment, facilities and handling or storage of radioactive material; the procedures in effect, including actual operation; and interviewing of personnel directly involved. The inspectors will review the licensee's survey methods and results, personnel monitoring practices and results, posting and labeling used, the instructions to personnel and the methods and apparent effectiveness of maintaining control of individuals in the controlled area. The inspector will also review the licensee's record of receipts, transfers, and inventory of licensed material. He will examine records concerning any disposals which might have been made. He may make measurements of radiation levels. Before the termination of each inspection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his supervisor of all the facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations for corrective action. Recommendations made by field personnel will be subject to critical review by senior members of the Industrial, Radiation and Air Hygiene Program and the Director of Environmental Health Services.

Licensees and registrants will be informed of the results of all inspections, first orally at the time of the inspection, and finally, furnished with a written report or notice from the Department.

In addition there will be investigations of all incidents and reasonable complaints involving licensed or registered sources of radiation to determine the cause, the measures taken by the licensee or registrant to cope with the incident, whether or not there was noncompliance with the regulations, and steps taken by the licensee to avoid a recurrence of the incident.

*Compliance and enforcement.* Reports of inspections of licensee's and/or registrant's activities will be evaluated to determine the degree of compliance of the licensees and registrants with the Board's regulations, and registration or license conditions. If no items of noncompliance are observed, the person will be so informed. For minor items of noncompliance, which the licensee agrees to correct at the time of the inspection, the licensee will be informed by letter. This notification will inform the licensee of the items of noncompliance, and that corrective action taken by the licensee will be reviewed during the next inspection.

If the inspection reveals items of noncompliance of a more serious nature, the licensee will be informed by letter of the items of noncompliance and required to reply, usually within 15–30 days, as to the corrective action taken and the date completed. The Department will then conduct a followup inspection or the matter will be reviewed during the next regular inspection to ensure that the corrective action has in fact been accomplished.

Whenever, in the judgment of the Board, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of the Act or any rule, regulation or order issued thereunder, the Attorney General is empowered to make application for a court order enjoining such acts or practices, or for a court order directing compliance.

Whenever the Executive Secretary of the Board finds that an emergency exists requiring immediate action to protect public health and safety, he may without notice issue an emergency order reciting that an emergency exists and requiring that such action be taken as is necessary to meet the emergency.

The full legal procedures will normally be employed only in those instances where there is continued and repeated noncompliance, existence of a state of emergency, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Section 9 of the Act empowers the Board or its duly authorized representatives to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of the Act, and rules and regulations of the Board issued under the Act.

*Administrative procedure and judicial review.* Section 8 of the Nuclear Energy Development and Radiation Control Act provides for a hearing, at the written request of any person whose interest may be affected by the proceeding, when the Board issues or modifies rules or regulations, grants, suspends, revokes or amends any license.

Whenever the Executive Secretary of the Board finds that an emergency exists, he may without notice issue an emergency order. Such order may be issued orally, and confirmed by written order mailed within twenty-four (24) hours after issuance of the oral order. This emergency order is effective immediately and the person(s) to whom the order is directed shall comply therewith immediately. Any person aggrieved by the issuance of such an emergency order has the right to request a hearing within fifteen (15) days of the issuance of the order. If a hearing is requested, the hearing must be held within thirty (30) days. Upon the basis of the decision reached at the hearing, the Board shall issue an order containing the determination of its findings to the alleged violator within thirty (30) days after the conclusion of the hearing.

An appeal may be taken from any final order or final determination of the Board by any person adversely affected thereby. Jurisdiction for all such appeals is vested solely in the District Court of Shawnee County, Kans.

*Organization, procedures and staffing.* The authority of the State Health Officer includes delegation of pertinent responsibilities subject to approval by the State Board of Health. This is accomplished by delegation of administrative direction to the service directors of the Department, and through them to specified staff members and certain personnel involved in full-time and part-time direction and implementation of specific departmental programs.

The Radiation Control Program is conducted by the Chief of the Radiological Health Section. The planning and direction of this program is the responsibility of the Director of the Industrial, Radiation and Air Hygiene program and the Director of Environmental Health Services, together with the Chief of the Radiological Health Section. Implementation of the specific responsibilities included in radiation control is accomplished by the Supervisors of Licensing and Registration, Environmental Surveillance, and Field Inspection and Surveys. Laboratory support services for these responsibilities are conducted by the Industrial, Radiation and Air Hygiene Laboratory which is under the direction of the Supervisor of Environmental Surveillance. Organizational charts are provided in the attachments to the narrative for further references.

Authority and responsibility for administering Kansas Radiation Protection Regulations, covering the statutory licensing of byproduct, source, special nuclear materials, or devices or equipment utilizing such materials, has been assigned to the Chief of the Radiological Health Section. Under his direction, 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 has been afforded the licensee for a hearing before the State Board of Health, a hearing officer designated by the Board, or the State Health Officer, due to failure to correct items of noncompliance, or for other justified causes. Under his administrative control the Supervisors of Licensing and Registration, Environmental Surveillance, and Field Inspection and Survey activities will provide technical assistance and consultation as required in the discharge of their separate and collective responsibilities regarding the State radiation control program.

Qualifications and training of the present staff members reflect the necessary education, training and experience to ensure competent administration and implementation of the program in radiation control. Individual resumes of training and experience are provided in the attachment to this narrative. All future replacements of present staff as required by vacancies will be evaluated to assure that their training and experience are at least equal to those presently employed. Job descriptions and training and experience requirements are outlined in an attachment. These requirements will be used as a basis for evaluating qualifications of applicants for staff positions.

*Reciprocity.* Regulations of the Board provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement States.

*Continuing compatibility.* It is the policy of the State of Kansas to institute and maintain a regulatory program for sources of ionizing radiation so as to provide for compatibility with the standards and regulatory program of the Federal government and a system consonant insofar as possible with those of other States.

[F.R. Doc. 64-7944; Filed, Aug. 5, 1964; 8:53 a.m.]

# DEPARTMENT OF STATE

## Agency for International Development

### INTERNATIONAL DEVELOPMENT FOUNDATION, INC.

### Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR, Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

International Development Foundation, Inc., 205 East 42d Street, New York, N.Y., 10017.

Dated: August 1, 1964.

DAVID E. BELL,
*Administrator.*

[F.R. Doc. 64-8158; Filed, Aug. 12, 1964; 8:46 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Portland Area Office Redelegation Order 1, Amdt. 15]

### SUPERINTENDENTS AND PROJECT ENGINEER

### Redelegation of Authority With Respect to Range Management

JULY 7, 1964.

Order 1, as amended, is further amended by addition of two new sections under Part 2, Authority of Superintendents, and Project Engineer, to read as follows:

SEC. 2.243 *Waiver of technical defects in advertisements and proposals for grazing privileges.* Exercise of the right reserved in Form 5-510, Sale of Grazing Privileges, to waive technical defects in the advertisements and proposals received in response thereto.

SEC. 2.244 *Approval, modification and cancellation of grazing permits.* The award, approval, modification, assignment and cancellation of grazing permits, pursuant to 25 CFR Part 151; provided that permits approved at the beginning of a contract period accord to a schedule of allocated and advertised range units approved by the Area Director, and provided further that permits shall not be issued at a rental rate less than the minimum approved by the Area Director.

R. D. HOLTZ,
*Area Director.*

Approved:

JOHN O. CROW,
*Deputy Commissioner.*

[F.R. Doc. 64-8160; Filed, Aug. 12, 1964; 8:46 a.m.]

## Bureau of Land Management

[Group 386]

### ARIZONA

### Notice of Filing of Plat of Survey

AUGUST 7, 1964.

1. Plat of Survey of the land described below will be officially filed in the Land Office, Phoenix, Arizona, effective at 10:00 a.m., September 14, 1964:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 16 E.,
Sec. 34.

The area described aggregates 640.00 acres.

2. The lands are mountainous and not suited to agriculture. The soil is conglomerate rock and clay.

3. All of the above described land is embraced in the Coronado National Forest by Executive Order 908 of July 2, 1908.

Since the land is withdrawn for the Coronado National Forest, the described land will not be subject to disposition under the General Public Land Laws by reason of the official filing of the plat.

ROY T. HELMANDOLLAR,
*Manager.*

[F.R. Doc. 64-8178; Filed, Aug. 12, 1964; 8:48 a.m.]

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1964.

The Bureau of Land Management has filed an application, Serial Number Idaho 015580 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended. The applicant desires the land for the exclusive use of the Bureau of Land Management as a fire lookout and communication site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho, 83701.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 20 E.,
Sec. 7, NW¼SE¼NE¼SE¼, NE¼SW¼NE¼SE¼.

The area described aggregates 5 acres, more or less.

ORVAL G. HADLEY,
*Manager, Land Office.*

[F.R. Doc. 64-8161; Filed, Aug. 12, 1964; 8:46 a.m.]

### UTAH

### Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 5, 1964.

The Forest Service, U.S. Department of Agriculture, has filed an application, Utah 0133608, for the withdrawal of the lands described below, from all forms of appropriation except operation of the mining and mineral leasing laws.

The purpose of the withdrawal is to extend the boundaries of the Dixie National Forest to include lands that are suitable for multiple use management by the Forest Service. The primary value would be for public recreational development, watershed management and fire protection.

The lands described include 80 acres of private lands within the boundaries of the forest. This withdrawal will in no way adversely affect ownership or use of these private lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 11505, Salt Lake City, Utah, 84111.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

PUBLIC LANDS

T. 38 S., R. 8 W.,
Sec. 29: SE¼SE¼;
Sec. 34: S½SW¼.

T. 38 S., R. 9 W.,
Sec. 3: Lots 1, 2, SE¼NE¼;
Sec. 11: N½NW¼, SE¼NW¼, E½SW¼.
T. 39 S., R. 8 W.,
Sec. 3: Lot 3, NE¼SE¼.

Containing 516.18 acres.

SALT LAKE MERIDIAN, UTAH

PRIVATE LANDS

T. 38 S., R. 8 W.,
Sec. 34: N½SW¼.

Containing 80 acres.

R. D. NIELSON,
*State Director.*

[F.R. Doc. 64-8162; Filed, Aug. 12, 1964; 8:46 a.m.]

[W-0310245]

## WYOMING

### Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 7, 1964.

The Bureau of Reclamation, Region 6, Billings, Montana, has filed an application, serial number Wyoming 0310245, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, pursuant to the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388), subject to valid existing rights.

The lands are irrigable and arable. The applicant desires the lands for reclamation development under Reclamation law in connection with Hanover-Bluff Unit, Bighorn Basin Division, Missouri River Basin Project, Wyoming.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2002 Capitol Avenue, Cheyenne, Wyo., 82001.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential that the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 47 N., R. 92 W.,
Sec. 26, W½SW¼.

The area described aggregates 80 acres.

DALE H. LONG,
*Acting State Director.*

[F.R. Doc. 64-8163; Filed, Aug. 12, 1964; 8:47 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## FANT MILLING CO.

### Enriched Flour Deviating From Identity Standard; Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that the expiration date of the temporary permit issued to the Fant Milling Company, 408 Magnolia Street, Sherman, Tex., to cover interstate marketing tests of enriched flour deviating from the requirements of the standard of identity for that food (21 CFR 15.10) has been extended to February 1, 1965. The flour fails to meet the granulation specification of the standard. It is labeled "Free Flow Enriched Flour."

Dated: August 7, 1964.

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

[F.R. Doc. 64-8175; Filed, Aug. 12, 1964; 8:48 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket 9598]

## AUSTRAL COMPANIA ARGENTINA DE TRANSPORTES AEREOS, S.A.

### Notice of Postponement of Prehearing Conference

At the request of the applicant the prehearing conference on the above-entitled application, now assigned for August 11, 1964, is hereby postponed to October 13, 1964, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter W. Bryan.

Dated at Washington, D.C., August 10, 1964.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 64-8180; Filed, Aug. 12, 1964; 8:48 a.m.]

[Docket 15383]

## AERO LINEAS FLECHA AUSTRAL LIMITADA

### Notice of Postponement of Hearing Relating to Foreign Air Carrier Permit

Notice is hereby given that the hearing in the above-entitled proceeding has been indefinitely postponed.

Dated at Washington, D.C., August 7, 1964.

[SEAL] WALTER W. BRYAN,
*Hearing Examiner.*

[F.R. Doc. 64-8151; Filed, Aug. 12, 1964; 8:45 a.m.]

[Docket 15419; Order No. E-21167]

## UNITED AIR LINES, INC.

### Order of Investigation and Suspension Relating to Proposed Blocked-Space Air Freight Tariff

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of August 1964.

The Board, by Order E-21076 of July 17, 1964, suspended and instituted an investigation of the proposed blocked-space tariffs of The Slick Corporation (Slick) and Trans World Airlines, Inc. Subsequently, by Order E-21122 dated July 27, 1964, the Board took similar action with respect to a competitive tariff filed by American Airlines, Inc.

United Air Lines, Inc. (United), has filed a similar and competitive tariff, for effectiveness August 13, 1964. Slick has complained against the United filing, requesting rejection, or in the alternative, suspension and investigation thereof. Slick's complaint adverts to pleadings which were filed in the matters disposed of by Order E-21076, including inter alia, the allegation that United proposes to match only the blocked-space offering, but not the economic delineation and that United offers no support for partial adoption of the concept. United has not answered the complaint.

The material facts and circumstances with respect to the United tariff are similar to those involved when the Board instituted an investigation and suspended the tariffs of Slick and Trans World Airlines, Inc. by Order E-21076, and American Airlines, Inc. tariff by Order E-21122. The reasons relied upon in those orders for suspending and instituting the investigation in Docket 15419 are equally applicable to the rates and provisions of United. Thus, upon consideration of the complaints and other relevant matters, the Board finds that the proposal may be unjust or unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, and should be suspended and investigated. Further, such investigation should be consolidated with the investigation in Docket 15419.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

*It is ordered*, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in Appendix A[1], including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A are suspended and their use deferred to and including November 10, 1964, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation is consolidated with the proceeding entitled Blocked-space air freight tariffs proposed by The Slick Corporation and Trans World Airlines, Inc., Docket 15419;

4. The complaint of The Slick Corporation in Docket 15428 is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariffs and served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

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

[F.R. Doc. 64-8181; Filed, Aug. 12, 1964; 8:48 a.m.]

# CIVIL SERVICE COMMISSION

## CORRECTIONAL TREATMENT SPECIALISTS

### Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that minimum educational requirements are necessary for positions in the Department of Justice and the District of Columbia Department of Corrections which are in the Correctional Treatment Specialist Option of the Social Science Series, GS-101-0. These requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

SOCIAL SCIENCE SERIES, GS-101-0, CORRECTIONAL TREATMENT SPECIALIST OPTION

*Minimum educational requirements.* For all positions, applicants for all grades must have completed a course of study leading to a bachelor's degree from an accredited college or university, which has included at least 24 semester hours in the social sciences.

*Duties.* Correctional Treatment Specialists work in correctional institutions of the Bureau of Prisons, the District of Columbia Department of Corrections, and in the United States Board of Parole. They develop, evaluate and analyze data about inmates; evaluate progress of individual offenders in the institution, make informed recommendations for or against parole; work with prisoners, their families, and interested persons in developing parole and release plans, and work with the United States Probation Officers and other social agencies in developing release and other rehabilitative plans or programs for individuals and their families. Some positions involve advising on, administering or supervising correctional treatment programs.

*Reasons for the requirements.* Professional responsibility for correctional treatment involves decisions and services based on knowledge that can only be acquired through formal education that fully meets all requirements of the bachelor's degree from an accredited college or university and that has included at least 24 semester hours in the social sciences.

The primary requirement of Correctional Treatment Specialist position is a knowledge of the social sciences and training and experience in criminology, and application of this knowledge and skill in correctional treatment.

The final decision as to whether or not a given position actually requires the services of a Correctional Treatment Specialist and is therefore properly included in the Correctional Treatment Specialist Option of the Social Science Series, GS-101-0, may depend on how the position is defined by management and whether there is an authoritative requirement that the incumbent's actions be based on specialized knowledge of social science and criminology.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL, *Executive Assistant to the Commissioners*.

[F.R. Doc. 64-8171; Filed, Aug. 12, 1964; 8:47 a.m.]

## SOCIAL WORK; ALL GRADES

### Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that previously approved minimum educational requirements for positions in the Social Work Series, GS-185-7/15, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

SOCIAL WORK SERIES, GS-185-0 (ALL GRADES)

*Superseded requirements.* The following material supersedes that previously appearing in 5 CFR 24.145 (published originally in 24 F.R. 7805, September 29, 1959).

*Minimum educational requirements.* For all positions, applicants for all grades must have completed a course of study in an accredited school of social work which has fulfilled all of the requirements for a master's degree in social work. The recognized accrediting association in the field is the Council on Social Work Education.

*Duties.* Persons appointed to these positions will perform professional social work in agencies that maintain programs of service to groups of people with whom they are concerned, such as inmates of correctional institutions, juvenile delinquents, patients in agency-operated hospitals and clinics, wards of child welfare agencies and their families, etc. They will supervise or perform social work functions involved in defining and evaluating social factors relevant to client problems, making social studies, reports, and recommendations for disposition of cases, and furnishing continuing services to clients. They may work with families of clients, groups of clients with needs in common, and community social action groups. Some positions involve research on social work problems.

*Reasons for the requirements.* The professional practice of social work involves responsibility for decisions and services based on knowledge and skill that can only be acquired through professional education that fully meets all of the requirements for a master's degree from an accredited school of social work.

The Social Work Series is limited to positions which require full professional qualifications in social work. If the work of a position can be fully performed by persons with other qualifications, it does not meet the definition of positions included in the Social Work Series.

The final decision as to whether or not a given position actually requires the services of a professional social worker and is, therefore, properly included in the Social Work Series, GS-185, may depend on how the position is defined by management and whether there is an authoritative requirement that the incumbent's actions be based on professional rather than empirical methods.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL, *Executive Assistant to the Commissioners*.

[F.R. Doc. 64-8172; Filed, Aug. 12, 1964; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14644; FCC 64M-770]

## BAY SHORE BROADCASTING CO.

### Order Scheduling Hearing

In re application of Keith Moyer and James Hilderbrand d/b as Bay Shore Broadcasting Company, Hayward, California, Docket No. 14644, File No. BP-14113; for construction permit.

The Hearing Examiner having under consideration the Review Board's Memorandum Opinion and Order in the sub-

[1] Filed as part of the original document.
[2] Concurring and dissenting statement of Members Gurney and Gillilland filed as part of the original document.

ject proceeding released August 6, 1964 (FCC 64R-401);

It appearing, that by its above-referenced action the Review Board granted, to the extent indicated, Bay Shore Broadcasting Company's appeal from the Hearing Examiner's ruling denying its request for reconsideration of the rejection of its Exhibit 15 Revised and remanded the matter to the Hearing Examiner "for further consideration consistent with this Memorandum Opinion and Order"; and

It further appearing, that, in view of the Review Board's opinion set forth in paragraphs 6 through 10 of the subject Memorandum Opinion and Order, it appears appropriate to convene a further hearing conference to determine what matters should further be considered "consistent with" the subject Memorandum Opinion and Order:

*It is ordered*, This 7th day of August 1964, on the Hearing Examiner's own motion, that a further hearing conference will be held at 10:00 a.m., September 9, 1964.

Released: August 7, 1964.

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

[F.R. Doc. 64-8184; Filed, Aug. 12, 1964; 8:48 a.m.]

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[Docket No. 15493; FCC 64R-404]

## NEW HORIZON STUDIOS

### Memorandum Opinion and Order Remanding Application

In re application of Lee Roy McCourry, tr/as New Horizon Studios, Eugene, Oregon, Docket No. 15493, File No. BPCT-3126, for construction permit for new television broadcast station.

1. The Review Board has for consideration a letter from Lee Roy McCourry which, in light of the circumstances set forth below, will be viewed as a petition for review of the Examiner's ruling.

2. The above-entitled application for a new commercial television broadcast station to operate on channel 26, on a frequency of 542-548 MC, Eugene, Oreg., was designated for hearing on specified issues, by Commission Order released June 3, 1964 (FCC 64-485), and a copy mailed to the applicant on the same date. The designation order directed inter alia that the applicant, in order to avail himself of the opportunity to be heard, shall file a written notice of appearance within twenty (20) days of the mailing of the order. Subsequently, by order of the Chief Hearing Examiner, released June 5, 1964 (FCC 64M-499), a copy of which was likewise mailed to the applicant on June 8, 1964, Hearing Examiner David I. Kraushaar was designated presiding officer at the hearing scheduled to commence on September 9, 1964, and a "hearing conference" was scheduled to be convened on July 6, 1964, at 10:00 a.m. On July 6, 1964, the return date of the pre-hearing conference, only counsel for the Commission's Broadcast Bureau was present. Bureau counsel advised the Examiner at that time that an examination of the Commission dockets and the Docket Division records showed no correspondence from the applicant; that there was no communication requesting acceptance of late written appearance, or any explanation for the tardiness. The Examiner concluded that he would have no alternative therefore, but to dismiss the application in accordance with the rules. He did, however, indicate a reluctance to act harshly, stating specifically at the time that "At least the applicant might have telegraphed the Bureau Counsel or the Commission to advise whether he intended to continue with the prosecution of his application, and from what I have ascertained this morning there is nothing on file at all, not even a letter." Accordingly, in a Memorandum Opinion and Order released July 7, 1964 (FCC 64M-645), the Hearing Examiner dismissed the above-described application with prejudice for failure to prosecute.

3. A subsequent examination of the Commission files reveals that because of the intervening holiday, both the Bureau and the Examiner were unaware of the fact that on July 3, 1964, McCourry did in fact send a telegram to the Commission advising that it was not possible for him to attend the hearing conference on July 6, 1964, and that he would explain in detail the reasons therefor in a letter which would follow. Following receipt of the Examiner's Memorandum Opinion and Order dismissing his application, McCourry, in a letter dated July 20, 1964, requested that he be permitted to appeal from the Examiner's ruling, stating first that at the time of receipt of the hearing order he was out of town, had returned only a few days before the July 6th date, and hence was unable to attend. He asked further that a new hearing date be set, eliminating a pre-hearing conference, and that he be permitted to "conduct all * * * presentations at one main hearing, inasmuch as it entails a 3,000 mile trip."

4. In view of the fact that the July 3d telegram was not before the Examiner at the time of the pre-hearing conference or at the time he issued his dismissal order, the proceeding will be remanded to the Examiner for further consideration in the light of McCourry's telegram and subsequent letter indicating his continued interest in prosecuting his application.

*Accordingly, it is ordered*, This 7th day of August 1964, that the appeal of Lee Roy McCourry dated July 20, 1964, from the Examiner's ruling dismissing his application, is granted, and the proceeding is remanded to the Examiner for further consideration in light of the facts now included in and made part of the record.

Released: August 10, 1964.

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

[F.R. Doc. 64-8185; Filed, Aug. 12, 1964; 8:48 a.m.]

[Docket No. 14855; FCC 64R-407]

## NORTHERN INDIANA BROADCASTERS, INC.

### Memorandum Opinion and Order Amending Issues

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Indiana, Docket No. 14855, File No. BP-14771, for construction permit.

1. The application in this proceeding is for a construction permit for a new standard broadcast station (910 kc, 1 kw, DA-2, U, Class III) at Mishawaka, Indiana. This application was designated for hearing by Commission order released November 27, 1962 (FCC 62-1210). The hearing issues require determinations of the areas and populations that would be served, the interference that would be caused by the proposed operation, and whether the proposed operation would contravene the provisions of § 3.35 of the rules with respect to overlap and concentration. An initial decision (FCC 63D-138) proposing to grant the application was released December 2, 1963. Exceptions to the initial decision have been filed by the Broadcast Bureau and by WLS, Inc., a respondent in this proceeding.

2. On February 7, 1964, Clarence C. Moore, licensee of station WCMR, Elkhart, Indiana, filed a petition requesting that the issues in this proceeding be enlarged to determine whether the application was filed in whole or in part with the intent that it would be an additional South Bend, Indiana, station.[1] The applicant, in its opposition filed February 27, 1964, opposes the petition on the merits, for untimeliness and on the ground that the petitioner is not a party to the proceeding. A reply to this pleading was filed by petitioner on March 16, 1964. An extension of time to March 16, 1964, for filing this reply was granted by the review board by order, released March 12, 1964 (FCC 64R-132). On February 27, 1964, the Broadcast Bureau filed comments also proposing that the issues be enlarged; the Bureau's proposal is based upon the petitioner's allegations of fact and upon grounds, set forth infra, not included in the petition. On March 16, 1964, the applicant filed an opposition to the Bureau's pleading, and with this opposition filed a separate petition requesting acceptance of this opposition. The applicant's request is based upon the fact that the Bureau relied upon new matters to which the applicant had not had an opportunity to respond. The applicant's request is reasonable and will be granted.

3. At the outset, the review board is confronted with the fact that the petitioner is not a party to this proceeding and does not seek to become a party. Its petition will therefore be dismissed. However, the Bureau, in its comments, has in effect adopted the showing made by the petitioner, and, although its pleading is entitled "Comments," it is

[1] Other issues requested in the petition were denied by the Commission in Northern Indiana Broadcasters, Inc., released July 7, 1964 (FCC 64-597).

in effect a petition to enlarge issues to determine whether the proposal would contravene § 73.28(d)(3) of the Commission's rules, the so-called ten percent rule.[3] As such, it is untimely. However, inasmuch as the Bureau relies, in part, upon the affidavits submitted with the petition, and since it is not chargeable with prior knowledge of these affidavits, the Bureau cannot be charged with being dilatory. The engineering information (concerning the proposal's coverage of South Bend) upon which the Bureau relies is not new matter, but, as will appear below, its significance in the context of a possible ten percent rule violation has recently taken on added significance, and the Bureau's delay in filing its request on such grounds is not wholly inexcusable. In any event, the matters presented to the Board in this unorthodox series of pleadings have a significant impact upon the public interest, and for that reason require consideration on their merits. The fact that the Bureau did not allege that Mishawaka is not a separate community from South Bend is not fatal to its request; for the reasons hereinafter indicated, the critical fact is the proposal's coverage of South Bend, and such coverage forms part of the basis of the Bureau's request.

4. Mishawaka has a population of 33,361, is located in the urbanized area of South Bend, Indiana, and is contiguous to South Bend, which has a population of 132,445 (see par. 12 of the findings of the initial decision). The proposed operation is directionalized toward South Bend, and the Bureau alleges that daytime it would provide a signal intensity of 10 to 25 mv/m over the main business district of the city of South Bend, at least a 5.0 mv/m signal over the entire city, and a 2.0 mv/m or greater signal over the entire South Bend urbanized area. At night, the proposal would place a 10 to 25 mv/m signal over the main business district of South Bend, a 7.8 mv/m (interference-free) signal over 80 percent of South Bend and two-thirds of the South Bend urbanized area.[3] The proposed operation would receive interference nighttime affecting approximately 29 percent of the population within its normally protected contour. See par. 2 of the findings of the initial decision; no exception has been taken to this Finding. The proposal would provide a first local outlet to Mishawaka, and, if regarded as a Mishawaka proposal, it can claim the benefit of an exception to the ten percent rule.

5. In two affidavits attached to the petition and relied upon by the Bureau in its comments, the affiants, Clarence C. Moore and his consulting engineer, E. Harold Munn, Jr., state that at a meeting on June 1, 1962, the applicant's president and 92.5 percent stockholder, William N. Udell, stated that his primary interest in proposing the Mishawaka station was to serve South Bend. In its opposition, the applicant states that it "does not deny, for the purposes of this pleading, that Udell either made or may have made the statements attributed to him." In explanation of the statement, the applicant states that when adversaries meet, it is entirely reasonable for one to attempt to "plant decoys to divert the other's attention." It is also stated in the opposition that the statement may have been made "while he [i.e., Udell] was upset." In his affidavit, which was attached to the opposition pleading, Udell states that he "may very well have said . . . that the Mishawaka station would provide an excellent signal to South Bend and would carry some programs of interest to South Bend," and that "as the meeting dragged on, my tension and discomfort increased and I may have made some statements that I would not have made on sober reflection." In an effort to demonstrate that South Bend is not its chief interest, the applicant cites testimony at the hearing that the proposed station would carry programs of local interest to Mishawaka, and that it was expected that most (70 percent) of the advertising revenue would be derived from "local accounts," with the remaining 30 percent divided between national and regional accounts. In further support of its contention that its proposal was not intended as a South Bend proposal, the applicant submits affidavits from two of its consulting engineers to the effect that Udell never requested that the application be designed for the primary purpose of serving South Bend rather than Mishawaka, and that if the maximum possible signal over the city of South Bend had been desired, a transmitter site three to four miles west of the present site would have been proposed.

6. The Commission has in the past designated for hearing proposals which would receive more than 10 percent interference, but which propose a first transmission outlet in a suburban community and therefore seek to benefit from an exception to the ten percent rule. See William S. Cook, FCC 62-1100 (1962); Edina Corp., FCC 62-845 (1962); People's Broadcasting Co., FCC 62-187 (1962), Golden Triangle Broadcasting Co., FCC 63-111 (1963). In each of these cases, a strong signal would be put over the central city by the suburban proposal, and the Commission's concern was expressed in terms of whether the suburban community was a "separate community," (Cook, Golden Triangle and Edina), or whether the facilities and programming were intended for the central city and whether the suburban community was specified as the principal city in order to circumvent the ten percent rule (People's Broadcasting). In Cook, the ten percent rule issue was designated because the suburban community had previously been determined, for 307(b) purposes, not to be a separate community. See Denver Broadcasting Company, 28 FCC 1060, 19 RR 1205 (1960). In its notice of proposed rule-making in re amendment of Part 3 of the Commission's rules regarding AM station assignment (FCC 63-468), 25 RR 1615, the Commission, in paragraph 44, referred to a proposed rule which would preclude grants of applications intended to provide a multiple service to a large community while ostensibly providing the first local service to a suburb; under the proposed rule, grants of such applications would have been precluded if the suburban community had a population of less than 50,000 and the proposal would place a 2mv/n signal over a city in excess of 50,000. In explanation of this proposal, the Commission, in footnote 51 of the notice, stated:

> Applications of this type have, under our present rules, come to be a source of major concern to the Commission. The problem has been most acute in two areas: Applicants seeking to gain a comparative "307(b) advantage" have come to specify small communities adjacent to large cities so that they may, nominally, provide a first local service to the small town. The applicant's signal, of course, provides excellent coverage to the big city. A similar problem has arisen in the case of applicants seeking to take advantage of the nighttime "first local service exception" to par. 3.28(d)(3) of the rules. In Denver Broadcasting Company, 28 FCC 1060, 19 RR 1205 (1960), and several similar cases, the Commission attempted to deal with these situations on an ad hoc basis. See also Huntington Broadcasting Company v. FCC, 89 U.S. App. D.C. 222, 192 F. 2d 33, 7 RR 2030 (1951). The National Association of Broadcasters also expressed concern about this problem at the January 7-8 Radio Conference.

For reasons not here material, the Commission did not adopt the proposed rule. See report and order in re Amendment to Part 73 of the Commission's rules, regarding AM station assignment standards, FCC 64-609, released July 7, 1964. In paragraph 35 of that report and order, however, the Commission stated that "We shall continue to examine suburban applications closely, on a case-by-case basis, to determine whether they should be regarded as proposing a new service for their nominal community or whether, instead, the proposal should be regarded as an application for the central city." Again, both Huntington Broadcasting and Denver Broadcasting were cited. Of significance is the fact that the Commission bracketed together the ten percent rule problem and 307(b) problem insofar as suburban proposals which will serve the central city are concerned.[4]

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[3] As proposed by the Bureau, the issue would read as follows:

To determine whether the proposal should be considered a Mishawaka station for purposes of applying § 73.28(d)(3) of the Commission's rules.

[3] See par. 5 of the findings of the initial decision as to nighttime coverage of South Bend. No exceptions have been filed with respect to these findings concerning nighttime coverage.

[4] The quoted statements in the cited notice and in the cited report and order are not construed by the Board as representing an expression of new policy, but rather as a restatement of a problem with which the Commission has been concerned for sometime, as is evidenced by its earlier designation orders in ten percent rule cases, cited supra. Reliance on the quoted statements from the notice and from the report and order does not, therefore, involve reliance on a new policy or new standards not applicable to applications filed prior to the adoption of the report and order. Cf. WFYC, Inc., 34 FCC 644, 25 RR 307 (1963); International Radio, Inc., 35 FCC 762, 1 RR 2d 701 (1963); Hawkeye Broadcasting, Inc., 34 FCC 855, 24 RR 558 (1963); see paragraph 2 of the Commission's memorandum opinion and order denying the petition for reconsideration in Radio Crawfordsville, supra.

7. The use of the separate community test specified in the ten percent rule designation orders cited in the preceding paragraph has not been limited to ten percent rule cases. It has long been employed in 307(b) cases. Thus, both in Huntington Broadcasting and in Denver Broadcasting, it was concluded that the suburban community was not a "separate community." In both instances, this conclusion was based primarily upon the fact that the suburban proposal would place a signal over the central city. The "separate community" test has also been specifically included in hearing issues in 307(b) cases. See, for example, the hearing issues quoted in Kent-Ravenna Broadcasting Co., FCC 61-1350, 22 RR 605. The Commission in Kent-Ravenna also stated that the standard 307(b) issue includes the separate community question, and that a separate community issue would therefore no longer be designated as such. In dealing with this "separate community" problem in 307(b) cases, the Commission has not resolved the question in terms of whether the suburban community was "separate" from the central city in a political, economic, or sociological sense. Instead, in line with the earlier decisions in Huntington Broadcasting and Denver Broadcasting, supra, the Commission has, in several relatively recent cases, decided the question in terms of whether the suburban proposal would place a primary signal over the central city. See Radio Crawfordsville, Inc., FCC 63-480, 25 RR 533; FCC 63-839, 25 RR 1001; Speidel Broadcasting Corp., FCC 63-618, 25 RR 723; FCC 63-1135, 1 RR 2d 726, affirmed Speidel Broadcasting Corp. v. FCC, Case No. 18318, U.S. Court of Appeals, District of Columbia Circuit, July 3, 1964; Monroeville Broadcasting Co., FCC 63-1080, 1 RR 2d 607; FCC 64-113, 1 RR 2d 993; Massillon Broadcasting Company, Inc., FCC 64-320, 2 RR 2d 409. The Monroeville decision, it should be noted, grew out of the Kent-Ravenna proceeding, in which, as has been indicated, the Commission first designated a specific separate community issue and later in that same proceeding stated that the 307(b) issue includes the separate community question.

8. There is no apparent reason for concluding that coverage of the principal city is not the appropriate yardstick for determining whether a suburb is a separate community for purposes of the ten percent rule. There are, in fact, affirmative reasons for concluding that coverage in this context is the appropriate test. Thus, parallel treatment of 307(b) and ten percent rule cases is reflected in the Commission's action in Cook, supra, in designating a ten percent rule issue because of a prior determination that the suburb was not a separate community for 307(b) purposes; as was noted above, the suburb had previously been determined not to be a separate community because of the suburban proposal's coverage of the central city. That the Commission regards the 307(b) and ten percent rule questions involved in suburban proposals as presenting the same basic problem is clearly indicated in its statement, in the Notice of Proposed Rule Making, quoted in paragraph 6, supra. That the same test, namely, coverage of the central city, is to be used in both the 307(b) cases and ten percent rule cases is reflected by the Commission's citation, in the quoted statement, of Huntington Broadcasting and Denver Broadcasting, in both of which the coverage test was employed. Further support for the view that the same test should be employed in 307(b) cases and in ten percent rule cases is to be found in the Commission's statement, quoted in paragraph 6 hereof, in its report and order, supra, that a determination will in each case be made as to whether the suburban proposal should be regarded as proposing a new service for its nominal community or whether it should be treated as an application for the central city. Both the notice and the report and order thus serve to confirm what had previously been heralded in Cook, supra, namely, that coverage of the central city is the critical criterion in both ten percent rule and 307(b) cases. To resolve the question in terms of whether the suburban community is "separate" in a political, economic, or sociological sense would be unrealistic in view of the highly tenuous relevance which such test has to the basic problem with which the Commission is concerned, namely, that presented by a proposal which will serve the central city but which specifies a suburban community without a local station as its principal community and can for that reason technically claim the benefit of an exception to the ten percent rule. In this connection, it should be noted that in Radio Crawfordsville, supra, the Commission approached the separate community question in this light, and treated the proposal as a Chicago proposal because of the coverage of the latter city.

9. The fact that "separate community" issues have been designated in ten percent rule cases does not militate against the conclusion herein that the question of coverage of the central city is controlling. The ten percent rule designation orders specifying a separate community issue antedate the Commission's decision in Radio Crawfordsville, supra, and at the time these designation orders were adopted, the Commission also spoke in terms of "separate community" in 307(b) cases. As has been shown, however, the Commission, from Huntington Broadcasting through Massillon, supra, resolved the separate community question in terms of coverage of the central city. The adoption of the test of coverage of the central city in ten percent rule cases involving suburban proposals does not constitute the formulation of new policy. It is merely a recognition that the 307(b) and ten percent rule problems in suburban cases are regarded by the Commission in the same light, and that the basic approach to the resolution of the problem in ten percent rule cases should be permitted to undergo the same evolution as has occurred in 307(b) cases. See Charles County Broadcasting Co., Inc., paragraph 7, FCC 63-821, 25 RR 903.

10. In view of the gradual development of the tests to be employed with respect to suburban proposals, the Bureau cannot reasonably be faulted for not having sought, on the basis of the coverage of South Bend, enlargement of the issues at an earlier date. While the developing Commission policy may have antedated by some months the Bureau's pleading—which was triggered by the affidavits submitted by the petitioner—it would be both unrealistic and unfair to charge the Bureau with dilatoriness in an area in which the Commission's approach has been undergoing a gradual evolution. This is not a case in which the Commission has expressly announced its policy, and the Bureau's delay in seeking enlargement of the issues cannot reasonably be dated back to the time of designation.

11. In view of the service, both daytime and nighttime, that would be provided to all or most of South Bend, enlargement of the issues is warranted.[5] It is recognized, of course, that an Initial Decision has already been released, and that the status of the proceeding militates to some extent against enlargement except under unusual circumstances. Such circumstances are, however, present here. A basic public interest question is presented, and its importance has been emphasized by the Commission in its notice of proposed rule making and in its Report and Order referred to in pagaraph 5. In addition, the applicant does not deny that Udell may have stated that his primary interest was in serving South Bend, and under these circumstances the applicant cannot reasonably complain about the lateness of the inquiry. This statement as to Udell's interest takes on significance in view of the fact that primary service would be provided to South Bend.[6] The fact that, as stated by the applicant's consulting engineer, even better coverage of South Bend could have been obtained by locating the transmitter site three or four miles from that proposed in the application, does not in itself serve to dispel the consequences of the proposal's principal city coverage of South Bend daytime and its 80 percent coverage of South Bend nighttime. The applicant also seeks to counteract the inferences which may be drawn from the fact of coverage of South Bend by noting, as pointed out above, that some of its programming and most of its advertising is centered on Mishawaka. However, most of the proposed programming is entertainment and therefore of general interest, and the purely local programming does not eliminate the need for a further inquiry as to whether

[5] The fact that 20 percent of South Bend would not be served nighttime does not require a contrary conclusion. See Radio Crawfordsville, supra.

[6] In Northern Indiana Broadcasters, Inc., FCC 64-597, released July 7, 1964, the Commission accepted Udell's explanations that his statements that he intended other proposals as blocking applications were not to be taken literally. These explanations were accepted primarily because the other facts in the case rebutted any inference of blocking. In the case before the Board, on the other hand, the service to South Bend is consistent with an alleged intent to serve South Bend.

the applicant's proposal should, for ten percent rule purposes, be treated as a South Bend proposal. See Massillon Broadcasting Co., Inc., supra, paragraph 12.

*Accordingly, it is ordered,* This 7th day of August 1964, That the request made in the motion filed by Clarence C. Moore on February 7, 1964, for an issue as to whether the application herein is intended as an additional South Bend station is dismissed; and

*It is further ordered,* That the petition filed March 16, 1964, by Northern Indiana Broadcasters, Inc., for acceptance of an additional pleading is granted, and the additional pleading is accepted; and

*It is further ordered,* That the Broadcast Bureau's request that the proceeding be remanded to the Hearing Examiner is granted to the extent indicated herein, and denied in all other respects; and

*It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

To determine whether the application herein should be considered as a Mishawaka proposal or as a South Bend proposal for purposes of applying § 73.28(d)(3) of the Commission's rules.

To determine, in the event it is determined pursuant to the foregoing issue that the proposal herein should be treated as a South Bend proposal, whether the interference which would be received by the proposal herein would affect more than ten percent of the population within its normally protected primary service area in contravention of § 3.28(d)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section; and

*It is further ordered,* That the proceeding is remanded to the Hearing Examiner for further hearing and preparation of a supplemental initial decision.

Released: August 10, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 64-8186; Filed, Aug. 12, 1964; 8:48 a.m.]

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[Docket No. 14611; FCC 64M-769]

## PROGRESS BROADCASTING CORP. (WHOM)

### Order Continuing Prehearing Conference

In re application of Progress Broadcasting Corporation (WHOM), New York, New York, Docket No. 14611, File No. BP-13915, for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered,* This 7th day of August 1964, that the prehearing conference now scheduled for September 29, 1964, be and the same is hereby rescheduled for October 1, 1964, 10:00 a.m., in the Commission's offices, Washington, D.C.

Released: August 7, 1964.

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

[F.R. Doc. 64-8187; Filed, Aug. 12, 1964; 8:49 a.m.]

[7] Board Member Nelson dissenting and voting for denial of petitions.

# FEDERAL MARITIME COMMISSION

## INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

### Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Airfreight Service Corporation, No. 28, Building 80, Room 222, New York International Airport, Jamaica, N.Y.; revoked July 2, 1964.

Sanford Service Company, No. 816, 50-32 201st Street, Bayside, N.Y.; revoked July 2, 1964.

Philadelphia Trans-Atlantic Line, No. 384, 34 Whitehall Street, New York, N.Y., 10004; revoked July 7, 1964.

Peruvian Foreign Trade Company, No. 699 (Francisco J. Verastegui, d.b.a.), 37-44 72d Street, Jackson Heights, N.Y., 11372; revoked July 13, 1964.

Humphrey & MacGregor, Inc., No. 591, 202-03 Wallace S. Building, P.O. Box 1911, Tampa, Fla., 33601; revoked July 13, 1964.

Wilson Mastrandrea Co., No. 110 (Wilson Mastradea, d.b.a.), 170 Broadway, New York, N.Y., 10038; revoked July 16, 1964.

Vima Shipping Company, No. 720 (Vincenzo Mastrolilli, d.b.a.), 29 Broadway, New York, N.Y.; revoked July 29, 1964.

NON-GRANDFATHER APPLICANTS

Riches International No. 987 (Riches Research, Inc. d.b.a.), 1944 University Avenue, Palo Alto, Calif., revoked July 9, 1964.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any applicant should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D. C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

NON-GRANDFATHER APPLICANTS

NAME AND ADDRESS

Ace Freight Forwarders, Inc. (Late), 4551 Northwest 36th Street, Miami Springs 66, Fla.; Iris V. Blackmon, president; Phillip Blackmon, Secretary-Treasurer; Burton A. Landy, Assistant Secretary-Treasurer.

Aerotyme, Inc. (Non), P.O. Box 20048, New Orleans International Airport, New Orleans, La., 70140; Clifford M. Tallman, president; Francisco Arango III, treasurer; Flerida Arango, vice president; Julia Tallman, secretary.

Federal Freight Forwarding (Non) (John J. McDonnell, d.b.a.), Federal Shipyard, Building No. 6, South Kearny, N.J.; John J. McDonnell, president.

Mercury International Van Service, Inc. (Non), 800 East "D" Street, Wilmington, Calif., 90746; Daniel P. Bryant, director/president; W. R. Andreson, director/vice president; Lucien W. Shaw, director/vice president/secretary; Robert A. Patton, director/vice president; John Schmidt, director/treasurer; Eldon R. Clawson, assistant secretary.

Pierbusseti, Inc. (Non), 665 Fifth Avenue, New York, N.Y.; Herbert Miller, lawyer; Guiliano Magnoni, lawyer; Luciano Francolini, businessman; Fred Barton, businessman.

NAME CHANGES

Comparato Air Cargo Express No. 248 (a division of Comparato Enterprises Ltd.), formerly Comparato's Air Cargo (Anthony J. Comparato, d.b.a.), 310 East 34th Street, New York 16, N.Y.; Anthony J. Comparato, president; Mildred Comparato, secretary; John Amelia, Jr., director.

Gulf Forwarding Company No. 89 (George Renaudin, d.b.a.) formerly Gulf Forwarding Co., 1234 Whitney Building, New Orleans, La.; George Renaudin, owner.

Trans-World Forwarding & Air Expediting Co. No. 773 (formerly Trans-World Forwarding Co.), Pier 1, Embarcadero, San Francisco, Calif., 94111; Earl B. Jones, president; Robert P. Reese, vice president; Paul D. Baer, vice president; Roger D. Kolda, vice president; John F. Mahoney, secretary/treasury.

CHANGE OF OFFICERS

River Plate Shipping Corp. No. 420, 135 East 42d Street, New York, N.Y., 10017; Frederick J. Dillon, president; Ronnie Dillon, vice president/treasurer; Robert J. Nicol, secretary.

CHANGE OF ADDRESS

H. Z. Bernstein Co., Inc. No. 547, 50 Broadway, New York, N.Y., 10004.

Dated: August 7, 1964.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 64-8164; Filed, Aug. 12, 1964; 8:47 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. CP61-311]

## ARKANSAS LOUISIANA GAS CO.

### Notice of Application

AUGUST 7, 1964.

Take notice that on July 7, 1964, Arkansas Louisiana Gas Company (Applicant), Shreveport, Louisiana, filed an applicaiton to amend further the Commission's order issued November 21, 1961, in Docket No. CP61-311, as amended, by extending until July 22, 1965, the term of sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) authorized by said order, as amended, all as more fully set forth in the application to amend on file with the Commission and open to public inspection.

The subject order, among other things, authorized Applicant to sell and deliver at intersecting points in Harrison County, Texas, and Grant County, Arkansas, a maximum annual volume of 8,125,000 Mcf (14.65 psia) of natural gas to Texas Eastern for a period of one year from the

date of initial delivery, which date was July 22, 1961. By subsequent orders, the authorization was extended twice for one-year periods, so that the present authorization expired on July 22, 1964.

The subject application indicates that the arrangement has worked out very satisfactorily for both parties and that the deliver-only-when-available privileges of Applicant and the purchase-only-when-needed privileges of Texas Eastern offer ideal flexibility for both. Further, due to the geographical differences of market areas and due to the movement of cold-front weather patterns in these different market areas, Applicant states that it is not uncommon for it to have maximum volumes available during periods of Texas Eastern's peak demands.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 27, 1964.

GORDON M. GRANT,
*Acting Secretary.*

[F.R. Doc. 64-8156; Filed, Aug. 12, 1964; 8:46 a.m.]

[Docket Nos. RI65-115 etc.]

## TEXACO INC. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 5, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI65-115 | Texaco Inc., P.O. Box 52332, Houston, Tex., 77052, Attn: Messrs. W. V. Vietti and A. C. Decrane, Jr. | 17 | 11 | El Paso Natural Gas Co. (Slaughter Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8) (Permian Basin Area). | $46,119 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.1148 | [3] [4] 18.1215 | RI61-33. RI61-447. |
| | Texaco Inc. | 18 | 10 | El Paso Natural Gas Co. (South Fullerton Gasoline Plant, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 1,537 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.1148 | [3] [5] 18.1215 | RI61-33. RI61-447. |
| | do | 19 | 9 | El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 11,027 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.1148 | [3] [4] 18.1215 | RI61-33. RI61-477. |
| | do | 21 | 13 | El Paso Natural Gas Co. (T&L Gasoline Plant, Ector County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 69,127 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 14.1188 | [3] [4] 15.6330 | RI61-33. RI61-447. |
| | do | 23 | 11 | El Paso Natural Gas Co. (Big Lake West Field, Reagan County, Tex.) (R.R. District No. 7-c) (Permian Basin Area). | 216 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 15.6831 | [3] [4] 16.6949 | RI61-74. RI61-447. |
| | do | 24 | 11 | El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area). | 2,881 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [5] 15.7093 | [3] [4] [5] 16.7228 | RI61-74. RI61-447. |
| | | | | | 664 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [6] 13.6823 | [3] [4] [6] 15.2025 | RI61-74. RI61-447. |
| | do | 25 | 12 | El Paso Natural Gas Co. (Bedford Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 974 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 14.1880 | [3] [4] 15.7093 | RI61-74. RI61-447. |
| | do | 28 | 7 | El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area). | 1,617 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [7] [8] 15.8563 | [3] [4] [7] [8] 16.8793 | RI64-130. |
| | do | 29 | 7 | do | 1,176 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [7] [8] 15.8563 | [3] [4] [7] [8] 16.8793 | RI64-130. |
| | do | 30 | 9 | El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area). | 5,855 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [7] [8] 15.8563 | [3] [4] [7] [8] 16.8793 | RI64-130. |
| | do | 31 | 7 | El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area). | 1,182 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [7] [8] 15.8563 | [3] [4] [7] [8] 16.8793 | RI64-130. |
| | do | 246 | 3 | El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area). | 246 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [8] 15.3993 | [3] [4] [8] 16.4223 | RI64-130. |
| | do | 168 | 11 | El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 3,080 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 13.6594 | [3] [4] 15.1772 | RI61-447. |
| | do | 169 | 7 | El Paso Natural Gas Co. (Todd Northwest Field, Crockett County, Tex.) (R.R. District No. 7-c) (Permian Basin Area). | 941 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 15.6755 | [3] [4] 16.7228 | RI61-447. |
| | do | 254 | 3 | El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area). | 1,670 | 7-10-64 | [2] 8-10-64 | 1-10-65 | [8] 15.3993 | [3] [4] [8] 16.4223 | RI64-130. |
| | do | 271 | 6 | El Paso Natural Gas Co., (Headlee Gasoline Plant, Ector County, Tex.) (R.R. District No. 8) (Permian Basin Area). | [9] 0 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.1148 | [3] [4] 18.1215 | RI61-461. |
| | do | 292 | 4 | El Paso Natural Gas Co., (Sweetie Peck Field, Midland County, Tex.) (Permian Basin Area). | 604 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.0 | [3] [4] 18.2430 | RI60-224. |
| | do | 291 | 17 | El Paso Natural Gas Co., (Spraberry Trend Field, Upton, Reagan, Glasscock, and Midland Counties, Tex.) (R.R. District No. 7-c and 8) (Permian Basin Area). | 4,105 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.0 | [3] [4] 18.2430 | RI60-224. |
| | do | 293 | 4 | El Paso Natural Gas Co., (Pegasus Gasoline Plant, Midland County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 1,959 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.0 | [3] [4] 18.1580 | RI60-224. |
| | do | 294 | 3 | El Paso Natural Gas Co., (Spraberry Driver Field, Reagan County, Tex.) (R.R. District No. 7-c) (Permian Basin Area). | 573 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 16.0 | [3] [4] 18.2430 | |

See footnotes at end of table.

[1] Does not consolidate for hearing or dispose of the several matters herein.

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate in effect | Proposed increased rate | |
| RI65-116 | Texaco Inc. (Operator), et al. | 328 | 1 | El Paso Natural Gas Co., (Fuller Gasoline Plant, Scurry County, Tex.) (R.R. District No. 8) (Permian Basin Area). | $10,172 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 16.0 | [3] [4] 17.1148 | |
| RI65-117 | Pan American Petroleum Corp., P.O. Box 1410, Fort Worth, Tex., 76101, Attn: Mr. J. K. Smith. | 20 | 11 | El Paso Natural Gas Co., (Payton Field, Pecos and Ward Counties, Tex.) (R.R. District No. 8) (Permian Basin Area). | [10] 0 | 7-9-64 | [2] 8-9-64 | 1-9-65 | [11] 15.9377 | [3] [4] [11] 16.7228 | G-19998. |
| | | | | | 527 | 7-9-64 | [2] 8-9-64 | 1-9-65 | [12] 15.4329 | [3] [4] [12] 16.2160 | |
| | Pan American Petroleum Corp. | 191 | 6 | El Paso Natural Gas Co. (Northwest Noelke Field, Crockett County, Tex.) (R.R. District No. 7-c) (Permian Basin Area). | 99 | 7-9-64 | [2] 8-9-64 | 1-9-65 | 14.5000 | [3] [4] 15.7093 | RI61-44 |
| | do | 218 | 4 | El Paso Natural Gas Co. (South Andrews Devonian Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 524 | 7-9-64 | [2] 8-9-64 | 1-9-65 | 13.6823 | [3] [4] 15.2025 | RI61-44 |
| | do | 234 | 5 | El Paso Natural Gas Co. (Jalmat and Eumont Fields, Lea County, N. Mex.) (Permian Basin Area). | 436 | 7-9-64 | [2] 8-9-64 | 1-9-65 | [8] [13] 15.7964 | [3] [4] [8] [13] 16.8793 | RI63-481 |
| | | | | | 2,140 | 7-9-64 | [2] 8-9-64 | 1-9-65 | [8] [14] 15.3412 | [3] [4] [8] [14] 16.4223 | RI63-481 |
| | do | 271 | 6 | El Paso Natural Gas Co. (Blinebry Field, Lea County, N. Mex.) (Permian Basin Area). | 278 | 7-9-64 | [2] 8-9-64 | 1-9-65 | [8] [13] 15.7982 | [3] [4] [8] [13] 16.8793 | RI63-481 |
| | | | | | [10] 0 | 7-9-64 | [2] 8-9-64 | 1-9-65 | [8] [14] 15.3429 | [3] [8] [14] 16.4223 | ---------- |
| | do | 348 | 10 | El Paso Natural Gas Co. (Levelland Gasoline Plant, Hockley County, Tex.) (R.R. District No. 8) (Permian Basin Area). | 17 | 7-10-64 | [2] 8-10-64 | 1-10-65 | 17.0994 | [3] [4] 18.1080 | RI64-156 |

[2] The stated effective date is the first day after expiration of the required statryuto notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 psia.
[4] High-pressure gas.
[6] Low-pressure gas.
[7] Subject to reduction of 0.4467 cent per Mcf for compression of low-pressure gas (below 600 p.s.i.g.).
[8] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[9] No sales of residue gas being made (residue gas is being injected into the Headee Devonian Unit).
[10] No sales estimated.
[11] High-pressure gas (not to exceed 650 p.s.i.g.).
[12] Low-pressure gas (rate includes 0.5 cent per Mcf compression charge by buyer).
[13] High-pressure gas (not to exceed 600 p.s.i.g.).
[14] Low-pressure gas (rate includes 0.4467 cent per Mcf compression charge by buyer).

The producers herein request that their proposed rate increases be made effective as of August 1, 1964, the contractually provided effective date. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Supplements Nos. 7, 7, 9, 7, 3 and 3 to Texaco Inc.'s (Texaco) FPC Gas Rate Schedules Nos. 28, 29, 30, 31, 246 and 254, respectively, and Supplements Nos. 5 and 6 to Pan American Petroleum Corporation's (Pan American) FPC Gas Rate Schedules Nos. 234 and 271, respectively, include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The producers involved previously filed for such tax, which was protested by El Paso Natural Gas Company (El Paso) in accordance with its policy of protesting all New Mexico Emergency School Tax reimbursement filing at a level exceeding 0.55 percent. El Paso questions the right of the sellers under the tax reimbursement clauses to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings provided for herein for Texaco and Pan American shall concern themselves with the contractual basis for the producers' rate filings which El Paso has or will protest, as well as the statutory lawfulness of the increased rates contained in the proposed supplements.

Pan American has included, as part of its proposed rate increases, amendatory agreements which eliminate the favored-nation provisions of the related contracts and established revised schedules of periodic price escalations. Such amendatory agreements provide the basis for the proposed increased rates.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the contractual basis for Texaco and Pan American's proposed rate filings which El Paso has protested, as well as hearings as to the statutory lawfulness of the increased rates and charges contained in all of the producers' rate filings, and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for Texaco and Pan American's proposed rate filings which El Paso has protested, and the statutory lawfulness of the rates and charges contained in all of the producers' proposed rate supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 23, 1964.

By the Commission.

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

[F.R. Doc. 64-8099; Filed, Aug. 12, 1964; 8:45 a.m.]

[Docket No. E-7174]

## WISCONSIN-MICHIGAN POWER CO.

### Order Accepting Rate Schedules for Filing, Providing for Hearing and Suspension of Proposed Rate Schedule Change

AUGUST 6, 1964.

Wisconsin-Michigan Power Company (Wisconsin-Michigan), Milwaukee, Wisconsin, on June 26, 1964, tendered for filing, pursuant to section 205 of the Federal Power Act, proposed changes in its filed rate schedules which, as amended by substitute filings made on July 24, 1964, purports to increase, as of August 3, 1964, its present rates and charges for wholesale electric service to ten electric utility and municipal customers: Wisconsin Public Service Corporation, Upper Peninsula Power Company, City of Crystal Falls, Michigan, and the Cities of Kaukauna, Shawano, Clintonville, New London, Oconto Falls, Florence, Wisconsin and Oconto Electric Cooperative, Oconto Falls, Wisconsin. The proffered rate schedule supplements have been tentatively designated in the files of the Commission as Wisconsin-Michigan's Supplement No. 4 to Rate Schedule FPC No. 12, Supplement No. 4 to Rate Schedule FPC No. 25, Supplement No. 4 to Rate Schedule FPC No. 36, Supplement No. 3 to Rate Schedule FPC No. 43, Supplement No. 3 to Rate Schedule FPC No. 33, Supplement No. 7 to Rate Schedule FPC No. 24, Supplement No. 2 to Rate Schedule FPC No. 41, Supplement No. 4 to Rate Schedule FPC No. 39, Supplement No. 2 to Rate Schedule FPC No. 38, and Supplement No. 6 to Rate Schedule FPC No. 32.[1]

Over-all, the proffered rates and charges would increase Wisconsin-Michigan's present rates to the aforementioned electric utilities and municipalities by approximately $209,000 per annum for all customers based upon 1964 deliveries of power and energy. For the twelve-month period ending May 31, 1964, Wisconsin-Michigan's revenues from those customers totaled $2,005,270. Applying the proffered supplemental rate schedules to those deliveries, Wisconsin-Michigan's operating revenues for service to those customers would be increased to $2,214,339.

As a result of the subject rate filings proffered initially on June 26, 1964, objections were filed by certain of the Wisconsin municipal customers of Wisconsin-Michigan and by the Oconto Electric Cooperative. Subsequent to the modification of those filings by the filings of July 24, 1964 (the latter had the result of reducing the proposed rates to the smaller customers), those cities withdrew their objections but reserved their right to press them in the event the Commission should object to the modified filings or suspend the rates as to Oconto Electric Cooperative or other purchasers. The cooperative by its letter of counsel dated July 13, 1964, objects generally to the filing of the new rates insofar as they would apply to it.

We are setting for hearing and suspending the rate increase as it applies to Oconto Electric Cooperative (Supplement No. 6 to Wisconsin-Michigan's Rate Schedule FPC No. 32) for a period of one day from August 3, 1964, the date upon which the rate previously was proposed to be made effective, until August 4, 1964.[2] We accept the rate increase as it applies to the other named wholesale customers of Wisconsin-Michigan. The hearing and one day suspension will permit an adjudication of the question presented as to whether or not the cooperative can justify a lower rate for itself than for Wisconsin-Michigan's other wholesale customers while at the same time avoiding any undue discrimination in the event that we should subsequently determine that no such differential is appropriate.

On June 9, 1964, we adopted Opinion No. 432 and accompanying order, Docket No. E-7026, —— FPC ——, in which we rejected, as discriminatory, prior rate increases of Wisconsin-Michigan to the investor owned and municipal electric systems as listed above when no increase was proposed for the cooperative. We made clear that on the record in that case the company had not justified a higher rate for the municipalities than for its cooperative customers. We specifically stated, however, that "We recognize that the cooperative did not participate in this proceeding and we, therefore, make no findings in this case which would in any way prejudice Oconto's rights (Slp. Op. 8)." We also made clear (id. at 9) that since Oconto was not before us we could not prescribe the exact level of rates for all of Wisconsin-Michigan's customers or determine what if any differential in the rates to the cooperatives may be justified.

The increased rates and charges proposed by Wisconsin-Michigan for all of its customers follow, in general, the rate form and rate level reflected in the schedule of rates and charges set forth in Opinion No. 432, Appendix B. Slight changes in the form of the demand block rates reduce Wisconsin-Michigan's charges to smaller wholesale purchasers by approximately $6800 annually from the over-all maximum cost of service of Wisconsin-Michigan reflected in Opinion No. 432. Small purchases are made by Florence and Oconto Falls, Wisconsin, Crystal Falls, Michigan, Upper Peninsula Power Company, and Suring division of Wisconsin Public Service Corporation. Purchasers of larger amounts of power and energy from Wisconsin-Michigan include Clintonville, Kaukauna, New London, Shawano, Wisconsin and Oconto Electric Cooperative.

We have examined the rates as filed and believe that no reason exists for suspending them so far as they apply to the several municipal and investor owned systems involved. These rates are all at levels which are either at or below those which were expressly indicated as appropriate in Opinion No. 432. We believe, however, that despite the fact that Wisconsin-Michigan in filing its new rates has chosen not to attempt to make or justify any differential between the cooperative and its other wholesale customers, Oconto should be given the opportunity to make a factual showing in support of its position.

A principal contention of Oconto appears to be that there are "socio-economic factors" which would justify a different wholesale classification for a cooperative than for the other wholesale customers of Wisconsin-Michigan. As the cooperative indicates, this is an issue which is presented in several pending cases in which comprehensive records as to this matter have already been made or are in the process of being made. Under these circumstances, we believe that the interest of all parties can best be served by deferring hearing in this proceeding until the Commission has formulated its basic policy upon this issue in the other pending proceedings. At such time we will, we believe, be able to evaluate the similar claims of the cooperative here, as well as such other arguments it may then wish to present, on a more expedited basis.

The Commission further finds: In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, particularly sections 205, 206, 308, and 309 thereof,

(1) Accept the following proposed rate schedules of Wisconsin-Michigan for filing to become effective as filed rate schedules August 3, 1964:

Supplement No. 4 to Rate Schedule FPC No. 12, Supplement No. 4 to Rate Schedule FPC No. 25, Supplement No. 4 to Rate Schedule FPC No. 36, Supplement No. 3 to Rate Schedule FPC No. 43, Supplement No. 3 to Rate Schedule FPC No. 33, Supplement No. 7 to Rate Schedule FPC No. 24, Supplement No. 2 to Rate Schedule FPC No. 41, Supplement No. 4 to Rate Schedule FPC No. 39, Supplement No. 2 to Rate Schedule FPC No. 38.

(2) Enter upon a hearing concerning the lawfulness of Wisconsin-Michigan's filed rate schedule for service to Oconto Electric Cooperative as proposed to be supplemented in the manner provided in proposed Supplement No. 6 to its Rate Schedule FPC No. 32; and that the operation or effectiveness of such proposed supplemental rate schedule under the Federal Power Act be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders:

(A) Wisconsin-Michigan's rate schedules as referred to in finding (1) above, are accepted for filing to become effective August 3, 1964.

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[1] Applicable to the electric utilities and municipalities in the order as previously listed.

[2] By telegram dated July 31, 1964, we advised Wisconsin-Michigan as follows:

Please be advised that the Commission has suspended for a period of one day from August 3, 1964 to August 4, 1964, the rate schedules which you filed on June 26, 1964, insofar as they proposed to increase the rates to Oconto Electric Cooperative above those previously in effect because such rates and charges may be unjust, unreasonable, or otherwise unlawful. Otherwise, the filed rates may go into effect as of August 3, 1964. The Commission's order will follow by mail.

(B) A public hearing be held concerning the lawfulness of Wisconsin-Michigan's Rate Schedule FPC No. 32, as supplemented and proposed to be supplemented in the manner provided in its proffered Supplement No. 6 thereto, at a time and place to be specified by notice of the Secretary.

(C) Pending such hearing and decision thereon, the operation under the Federal Power Act of the proffered rate schedule supplement referred to in paragraph (B) above, is suspended and the use thereof deferred until August 4, 1964. On that date, the proffered rate schedule supplement shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission.

(D) During the period of suspension Wisconsin-Michigan's currently effective Rate Schedule FPC No. 32, and Supplement Nos. 3 and 5 on file with the Commission shall remain and continue in effect.

(E) Unless otherwise ordered by the Commission, Wisconsin-Michigan shall not change the terms or provisions of its proffered supplemental rate schedule referred to in paragraph (B) above or those of its rate schedule and supplements thereto on file with the Commission and referred to in paragraph (D) above, until this proceeding has been disposed of, or until the period of suspension has expired.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37) on or before August 30, 1964.

By the Commission.

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

[F.R. Doc. 64-8157; Filed, Aug. 12, 1964; 8:46 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Summarily Suspending Trading

AUGUST 7, 1964.

The commn stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such securities on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

*It is ordered,* Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and the Philadelphia - Baltimore - Washington Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period August 10, 1964, through August 19, 1964, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-8154; Filed, Aug. 12, 1964; 8:46 a.m.]

[File No. 1-4722]

## TASTEE FREEZ INDUSTRIES, INC.

### Order Summarily Suspending Trading

AUGUST 7, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any such security, otherwise than on a national securities exchange:

*It is ordered,* Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934, that trading in such security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for the period August 10, 1964, through August 19, 1964, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 64-8155; Filed, Aug. 12, 1964; 8:46 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 1029]

## MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 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 66952. By order of August 7, 1964, the Transfer Board approved the transfer to William A. Kelly, Inc., Philadelphia, Pa., of Certificate No. MC 101841 Sub 1, issued April 11, 1942, to Lester L. Zern, amended December 12, 1947, to show a trade name of L. L. Zern Transportation, Gilbertsville, Pa., authorizing the transportation over irregular routes of soil pipe, pipe fittings, and cast iron plumbing specialties from East Greenville and Linfield, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia; materials used or useful in the manufacture of cast iron soil pipe, cast iron pipe fittings, and cast iron plumbing specialties, from the above-specified destination points to East Greenville and Linfield, Pa., returned or rejected shipments of cast iron soil pipe and cast iron soil pipe fittings, from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia to East Greenville and Linfield, Pa. V. Baker Smith, 2107 Fidelity-Philadelphia Trust Building, Philadelphia 9, Pa., attorney for applicants.

No. MC-FC 66983. By order of August 7, 1964, the Transfer Board approved the transfer to Fred L. Williams, doing business as Taos Interstate Express, Alamosa, Colo., of the operating rights acquired by Martha A. Howes, doing business as Taos Interstate Express, Romeo, Colo., pursuant to MC-FC 65456, consummated November 18, 1963, and assigned No. MC 119845, authorizing the transportation of general commodities, except Classes A and B explosives, between Fort Garland, Colo., and Taos, N. Mex.; between Jaroso, Colo., and points in Colo.; general commodities, excluding household goods, and other specified commodities, between Alamosa, Colo., and Fort Garland, Colo.; houses, including fixtures and appurtenances therefor, requiring the use of special equipment, from Los Alamos and White Rock, N. Mex., to points in Alamosa, Rio

Grande, Conejos, Costilla, and Saquache Counties, Colo.; and lumber, from points in Alamosa, Costilla, and Conejos Counties, Colo., to points in New Mexico. George W. Woodward, 315 Edison Avenue, Alamosa, Post Office Box 358, Colo., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-8168; Filed, Aug. 12, 1964; 8:47 a.m.]

[Notice 1029-A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 10, 1964.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC 65656, published in the August 31, 1963, issue of the FEDERAL REGISTER, on page 9658. Application filed August 7, 1964, for E. B. OLMSTED AND NEIL B. OLMSTED, doing business as OLMSTED TRANSPORTATION COMPANY, Post Office Box 148, Mount Vernon, Wash., for temporary authority to lease the operating rights of HOME TRANSFER & STORAGE CO., 1906 Southeast 10th Avenue, Portland, Oreg., under section 210a(b). By order of the Commission, Division 3, dated August 21, 1963, the transfer to E. B. OLMSTED AND NEIL B. OLMSTED, doing business as OLMSTED TRANSPORTATION COMPANY, of the operating rights of HOME TRANSFER & STORAGE CO., was approved. Petitions were filed and the effective date of said order was stayed.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-8174; Filed, Aug. 12, 1964; 8:48 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 10, 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. 39181: *Starch or dextrine to points in South Carolina.* Filed by O. W. South, Jr., agent (No. A4549), for interested rail carriers. Rates on starch or dextrine, in carloads, from East St. Louis, Ill., and St. Louis, Mo., to Chester, Elliott (Chester County) and Lancaster, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 183 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 39182: *Liquid caustic soda to Enka and Pisgah Forest, N.C.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2733), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from points in Michigan and New York, to Enka and Pisgah Forest, N.C.

Grounds for relief: Market competition.

Tariffs: Supplements 137 and 61 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 64-8167; Filed, Aug. 12, 1964; 8:47 a.m.]

[Notice 667]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 11, 1964.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., United States standard time, or 9:30 a.m., local daylight saving time, if that time is observed unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8841. Authority sought for purchase by EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala., of the operating rights and property of WALTER PITTS, 301 South Fifth Street, West Memphis, Ark., and for acquisition by F. W. EDWARDS and O. M. COOK, SR., both of 830 North 33d Street, Birmingham, Ala., of control of such rights and property through the purchase. Applicants' attorneys: Donald L. Morris, 937 Bank for Savings Building, Birmingham, Ala., and Ernest A. Brooks, II, Ambassador Building, St. Louis, Mo. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Texarkana, Ark., and Texarkana, Tex., and points in Arkansas and Texas within five miles of Texarkana, Ark., and Texarkana, Tex.; *machinery, equipment, materials, and supplies,* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, supplies, and equipment,* incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal, and other minerals, and *commodities* the transportation of which by reason of their size or weight *require the use of special equipment or special handling,* between points in Jasper, Lawrence, Newton, Barry, and Barton Counties, Mo., those in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., and those in Ottawa County, Okla., between points in above-specified counties in Missouri, Kansas, and Oklahoma, on the one hand, and, on the other, points in Missouri, Arkansas, Kansas, and Oklahoma within 300 miles of Joplin, Mo., including, Joplin, Stuttgart, Ark., and points in Arkansas within 40 miles of Stuttgart, Dubuque, Iowa, and points in Iowa and Wisconsin, within 150 miles of Dubuque and all points in Illinois;

*Machinery, contractors' equipment,* other than oil field equipment, *structural steel,* and *iron or steel pipe which* because of size or weight *require the use of special equipment,* between points in Missouri and Tennessee; *asphalt,* in barrels, between Stroud, Okla., and points in Carter County, Okla., on the one hand, and, on the other, points in Kansas; *concrete pipe,* between Oklahoma, City, Okla., on the one hand, and, on the other, points in Kansas; *reinforcing and structural steel,* between Sand Springs, Okla., on the one hand, and, on the other, points in Kansas; *binder twine,* between McAlester and Oklahoma City, Okla., on the one hand, and, on the other, points in Kansas; *road and contractors' equipment and machinery,* between points in Kansas and Oklahoma; *commodities* (except pipe, pipeline material, machinery, equipment, and supplies, incidental to and used in connection with the construction, dismantling and repair of pipelines), the transportation of *which* because of size or weight require the use of special equipment, between Sikeston, Mo., and points within 50 miles of Sikeston, on the one hand, and, on the other, points in Kentucky, and Arkansas, between points in Arkansas, on the one hand, and, on the other, points in Tennessee; *machinery,* from Chicago and Peoria, Ill., to those points in Kentucky and Tennessee on and north of U.S. Highway 70, and on and west of the Tennessee River; *commodities,* the transportation of which, by reason of size or weight, requires the use of special equipment (except machinery, equipment, materials, and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines), between points in Illinois, and Missouri within 40 miles of Sikeston, Mo.

RESTRICTION: The authority authorized herein may not be joined, directly or indirectly, with authority otherwise held by carrier; *road and bridge building machinery and materials,* between Warren, Ark., on the one hand, and, on the other, points in Louisiana,

Mississippi, Missouri, Oklahoma, Tennessee, and Texas; *tile and clay products*, from Texarkana, Tex., to points in Arkansas within 150 miles of Texarkana; *cresoted lumber, timber*, and *poles*, from Texarkana, Tex., to points in Arkansas, within 125 miles of Texarkana; *farm machinery*, from Texarkana, Tex., to points in Arkansas within 100 miles of Taxarkana; *livestock, feedstuffs*, and *grain*, between ranches and farms in Bowie and Cass Counties, Tex., on the one hand, and, on the other, ranches and farms in Arkansas within 100 miles of Texarkana, Tex.; *lumber, timber*, and *poles*, untreated, between Texarkana, Tex., and points in Arkansas within 75 miles of Texarkana; *oil field equipment, and supplies*, between points in Arkansas within 150 miles of Texarkana, Tex., and those in Texas within 200 miles of Texarkana, Tex., including Texarkana; and *mining, excavating, construction and road building, contractors' machinery, equipment and supplies*, which by reason of size or weight require special equipment, between points in that part of Illinois on and south of Illinois Highway 15, on the one hand, and, on the other, points in Indiana, Kentucky, and Missouri. Vendee is authorized to operate as a *common carrier* in Georgia, Mississippi, Tennessee, Alabama, Florida, Louisiana, Texas, Virginia, Arkansas, South Carolina, North Carolina, Iowa, Kansas, Missouri, Illinois, Michigan, Ohio, Wisconsin, Kentucky, and Indiana. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F.R. Doc. 64-8219; Filed, Aug. 12, 1964; 8:50 a.m.]

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PART II

# FEDERAL REGISTER

VOLUME 29 NUMBER 158

Washington, Thursday, August 13, 1964

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 27 ]

### DILUTED FRUIT JUICE BEVERAGES

### Proposed Definitions and Standards of Identity

Notice is given that a petition has been filed by Sunkist Growers, Inc., Los Angeles, California, proposing the promulgation of definitions and standards of identity for diluted citrus fruit juice beverages.

Notice is also given that the Commissioner of Food and Drugs, on his own initiative, proposes the adoption of definitions and standards of identity for lemonade, colored lemonade, limeade, and classes of diluted fruit juice beverages differentiated by names that include the percentage of fruit juice contained in the beverage.

Insofar as the proposals of Sunkist Growers, Inc., and those of the Commissioner cover the same class of foods, it is not contemplated that both will be adopted. On the basis of the comments received on both sets of proposals there will be established definitions and standards of indentity for the subject foods.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs invites all interested persons to present their views, orally or in writing, regarding the proposals published in this notice. All views and comments should be submitted, preferably in writing and in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER.

1. The proposals of Sunkist Growers, Inc., are as follows:

**§ 27.____ Orange nectar; identity; label statement of ingredients.**

(a) Orange nectar is the beverage containing not less than 50 percent by volume of equivalent natural strength orange juice (11.8° Brix basis). It has a noticeable and substantial orange pulp content. It is prepared by mixing orange juice, orange juice for manufacturing, concentrated orange juice, concentrated orange juice for manufacturing, reconstituted orange juice, or any combination of these juice ingredients with orange oil and/or concentrated orange oil and/or orange essence, water, one or more nutritive sweeteners, and one or more of the acidifying ingredients citric acid, other edible orangic acids, lemon juice, or concentrated lemon juice.

(b) The minimum requirement for juice content is met when the product contains not less than 0.5145 pound of soluble solids per gallon, derived solely from unsweetened orange juice ingredients.

(c) The juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) For purposes of calculating the orange juice soluble-solids contant in terms of natural strength orange juice, the degrees Brix of the orange juice ingredients shall be determined by refractometer with applicable correction for percent acid as indicated in "Refractometric Determinations of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, Industrial and Engineering Chemistry, Analytical Edition, Volume 11, page 447 (1939). In these calculations, use shall be made of the "Uniform Specific Gravity Table" approved for use in the citrus industry, by the Institute of Food Technologists, May 26, 1963.

(e) The name of the food is "Orange nectar," and the labeling shall list the ingredients in descending order of predominance on a percent-by-weight basis.

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank to be filled in with the name of the preservative or preservatives used.

**§ 27.____ Orange/juice-drink; identity; label statement of ingredients.**

(a) Orange/juice-drink is the beverage containing not less than 30 percent by volume of equivalent natural strength orange juice (11.8° Brix basis). It is prepared by mixing orange juice, orange juice for manufacturing, concentrated orange juice, concentrated orange juice for manufacturing, reconstituted orange juice, or any combination of these juice ingredients with orange oil and/or concentrated orange oil and/or orange essence, water, one or more nutritive sweeteners, and one or more of the acidifying ingredients citric acid, other edible organic acid, lemon juice, or concentrated lemon juice.

(b) The minimum requirement for juice content is met when the product contains not less than 0.3087 pound of soluble solids per gallon, derived solely from unsweetened orange juice ingredients.

(c) The juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) For purposes of calculating the orange juice soluble-solids content of the product, the procedure referred to in § 27.____ (d), dealing with orange nectar, shall be followed.

(e) The name of the food is "Orange juice-drink," and in the labeling each word in the name shall be given equal

prominence, and the order of presentation shall be as follows:

ORANGE
JUICE-DRINK
or
JUICE-DRINK
ORANGE

The labeling shall also list the ingredients in descending order of predominance on a percent-by-weight basis.

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank to be filled in with the name of the preservative or preservatives used.

**§ 27.____ Orangeade; identity; label statement of ingredients.**

(a) Orangeade is the beverage containing not less than 15 percent by volume of equivalent natural strength orange juice (11.8° Brix basis). It is prepared by mixing orange juice, orange juice for manufacturing, concentrated orange juice, concentrated orange juice for manufacturing, reconstituted orange juice, or any combination of these ingredients with orange oil and/or concentrated orange oil and/or orange essence, water, one or more nutritive sweeteners, and one or more of the acidifying ingredients citric acid, other edible organic acids, lemon juice, or concentrated lemon juice.

(b) The minimum requirement for juice content is met when the product contains not less than 0.1544 pound of soluble solids per gallon, derived solely from unsweetened orange juice ingredients.

(c) The juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) For purposes of calculating the orange juice soluble-solids content, the procedures referred to in § 27.____(d) dealing with orange nectar shall be followed.

(e) The name of the food is "Orangeade." The labeling shall list the ingredients in descending order of predominance on a percent-by-weight basis.

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is prepared with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank to be filled in with the name of the preservative.

**§ 27.____ Orange drink; identity; label statement of ingredients.**

(a) Orange drink is the beverage containing not less than 6 percent by volume of equivalent natural strength orange juice (11.8° Brix basis). It is prepared by mixing orange juice, orange juice for manufacturing, concentrated orange juice, concentrated orange juice for manufacturing, or any combination of these ingredients with orange oil and/or concentrated orange oil and/or orange essence and/or other natural flavor, water, one or more nutritive sweeteners, and one or more of the acidifying ingredients citric acid, other edible organic acids, lemon juice, or concentrated lemon juice. One or more of the optional ingredients listed in paragraph (b) of this section may be added, provided that they are not used in a manner to cause the finished drink to simulate or imitate orange juice or orange juice-containing beverages for which standards of identity in this Part 27 preclude the use of such substances.

(b) The optional ingredients referred to in paragraph (a) of this section are coloring, ascorbic acid, buffer salts, emulsifying and stabilizing substances, and weighting oils. When ascorbic acid is added, the total ascorbic acid in the drink shall not exceed 7 milligrams per 8-fluid ounce serving.

(c) The minimum requirement for juice content is met when the product contains not less than 0.06179 pound of soluble solids per gallon, derived solely from unsweetened orange juice ingredients.

(d) The juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(e) For purposes of calculating the orange juice soluble-solids content, the procedures outlined in § 27.____(d) dealing with orange nectar shall be followed.

(f) The name of the beverage is "Orange drink." The labeling shall list the ingredients in descending order of predominance on a percent-by-weight basis.

(g) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverages contains added color, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Artificially colored." If the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Orange flavored drink; identity.**

Orange flavored drink is the beverage complying with the requirements for orange drink in § 27.____, except that it contains less than 6 percent equivalent natural strength orange juice (11.8° Brix basis).

**§ 27.____ Grapefruit/juice-drink; identity; label statement of ingredients.**

(a) Grapefruit/juice-drink is the beverage containing not less than 30 percent by volume of equivalent natural strength grapefruit juice (10.8° Brix basis). It is prepared by mixing grapefruit juice, concentrated grapefruit juice, reconstituted grapefruit juice, or any combination of these ingredients with cold-pressed and/or concentrated grapefruit oil and/or grapefruit essence, water, one or more nutritive sweeteners, and one or more of the acidifying ingredients citric acid, other edible organic acids, lemon juice, or concentrated lemon juice.

(b) The minimum requirement for juice content is met when the product contains not less than 0.2814 pound of soluble solids per gallon, derived solely from unsweetened grapefruit juice ingredients.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) For purposes of calculating the grapefruit juice soluble-solids content, the procedures outlined in § 27.____(d), dealing with orange nectar, shall be followed.

(e) The name of the beverage is "Grapefruit/juice-drink," and in the labeling each word used in the name shall be given equal prominence, and the order of presentation shall be as follows:

GRAPEFRUIT
JUICE-DRINK
or
JUICE-DRINK
GRAPEFRUIT

The labeling shall also list the ingredients in descending order of predominance, on a percent-by-weight basis.

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank to be filled in with the name of the preservative or preservatives used.

**§ 27.____ Grapefruit drink; identity; label statement of ingredients.**

(a) Grapefruit drink is the beverage containing not less than 6 percent by volume of equivalent natural strength

grapefruit juice (10.8° Brix basis). It is prepared by mixing grapefruit juice, concentrated grapefruit juice, reconstituted grapefruit juice, or any combination of these ingredients with cold-pressed and/or concentrated grapefruit oil and/or grapefruit essence and/or other natural flavors, water, one or more nutritive sweeteners, and one or more of the acidifying ingredients citric acid, other edible organic acids, lemon juice, or concentrated lemon juice. One or more of the optional ingredients listed in paragraph (b) of this section may be added, provided that they are not used in a manner to cause the finished beverage to simulate or imitate grapefruit juice or grapefruit juice-containing beverages for which standards of identity preclude the use of such substances.

(b) The optional ingredients referred to in paragraph (a) of this section are coloring, ascorbic acid, buffer salts, emulsifying and stabilizing substances, and weighting oils. When ascorbic acid is added, the total ascorbic acid in the drink shall not exceed 7 milligrams per 8-fluid ounce serving.

(c) The minimum requirement for juice content is met when the product contains not less than 0.05628 pound of soluble solids per gallon derived solely from unsweetened grapefruit juice ingredients.

(d) The juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(e) For purposes of calculating the grapefruit juice soluble-solids content, the procedure as outlined in § 27.____ (d), dealing with orange nectar, shall be followed.

(f) The name of the beverage is "Grapefruit drink." The labeling shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(g) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage contains added color, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Artificially colored." If the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Grapefruit flavored drink; identity.**

Grapefruit flavored drink is the beverage complying with the requirements for grapefruit drink in § 27.____, except that it contains less than 6 percent equivalent natural strength grapefruit juice (10.8° Brix basis).

**§ 27.____ Lemonade; identity; label statement of ingredients.**

(a) Lemonade is the beverage deriving all its acidity from lemon juice, concentrated lemon juice, reconstituted lemon juice, or any combination of these ingredients. It contains not less than 12.3 percent by volume of equivalent natural strength lemon juice. It is prepared by mixing one or more of the juice ingredients specified in this paragraph with water and one or more nutritive sweeteners. Optional ingredients are cold-pressed lemon oil, concentrated lemon oil, lemon essence, and buffer salts.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the lemon juice ingredients is not less than 0.7 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Lemonade." The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Pink lemonade; identity; label statement of ingredients.**

(a) Pink lemonade is the beverage deriving all its acidity from the juice ingredients. It contains not less than 12.3 percent by volume of equivalent natural strength fruit juice. It is prepared by mixing lemon juice, concentrated lemon juice, reconstituted lemon juice, or any combination of these ingredients with water, one or more nutritive sweeteners, artificial color, or any suitable fruit or vegetable juice or concentrate thereof, to color the product pink. Optional ingredients are cold-pressed lemon oil, concentrated lemon oil, lemon essence, and buffer salts.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the lemon juice ingredients is not less than 0.7 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Pink lemonade." The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis. If the lemonade is colored with fruit juice, vegetable juice, or concentrates thereof, it shall be sufficient to declare the presence of these ingredients as "Fruit juice and/or vegetable juice added for color," without naming the specific juices used.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be seen under the customary conditions of purchase, and the beverage contains artificial color, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Colored with artificial color" or "Artificial color added."

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with_____" or "Contains_____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Lemon drink; identity; label statement of ingredients.**

(a) Lemon drink is the beverage deriving all its acidity from lemon juice, concentrated lemon juice, reconstituted lemon juice, or any combination of these ingredients. It contains not less than 6 percent by volume of equivalent natural strength lemon juice. It is prepared by mixing one or more of the juice ingredients specified in this paragraph with water, cold-pressed and/or concentrated lemon oil and/or lemon essence and/or other natural flavor, and one or more nutritive sweeteners. One or more of the optional ingredients coloring, ascorbic acid, buffer salts, emulsifiers and/or stabilizers, and weighting oils may be added, provided that they are not used in a manner to cause the finished drink to simulate or imitate lemon juice-containing beverages for which standards of identity preclude the use of such substances. When ascorbic acid is added, the total ascorbic acid in the drink shall not exceed 7 milligrams per 8-fluid ounce serving.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the lemon juice ingredients is not less than 0.342 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Lemon drink." The label shall list the

ingredients in descending order of predominance, on a percent-by-weight basis.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage contains added coloring, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Artificially colored" or "Color added."

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Lemon flavored drink; identity; label statement of ingredients.**

Lemon flavored drink is the beverage complying with the requirements for lemon drink in § 27.____, except that it contains less than 6 percent equivalent natural strength lemon juice and may contain added citric acid or other edible organic acid.

**§ 27.____ Limeade; identity; label statement of ingredients.**

(a) Limeade is the beverage deriving all its acidity from lime juice, concentrated lime juice, reconstituted lime juice, or any combination of these ingredients. It contains not less than 12,3 percent by volume of equivalent natural strength lime juice. It is prepared by mixing one or more of the juice ingredients specified in this paragraph with water and one or more nutritive sweeteners. Optional ingredients are cold-pressed lime oil, concentrated lime oil, lime essence, and buffer salts.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the lime juice ingredients is not less than 0.7 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Limeade." The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Lime drink; identity; label statement of ingredients.**

(a) Lime drink is the beverage deriving all its acidity from lime juice, concentrated lime juice, reconstituted lime juice, or any combination of these ingredients. It contains not less than 6 percent by volume of equivalent natural strength lime juice. It is prepared by mixing one or more of the juice ingredients specified in this paragraph with water, cold-pressed and/or concentrated lime oil and/or lime essence and/or other natural flavor, and one or more nutritive sweeteners. One or more of the optional ingredients coloring, ascorbic acid, buffer salts, emulsifiers and/or stabilizers, and weighting oils may be added provided that they are not used in a manner to cause the finished drink to simulate or imitate lime juice-containing beverages for which standards of identity preclude the use of such substances. When ascorbic acid is added, the total ascorbic acid in the drink shall not exceed 7 milligrams per 8-fluid ounce serving.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the lime juice ingredients is not less than 0.342 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Lime drink." The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage contains added coloring, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Artificially colored" or "Color added."

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Lime flavored drink; identity.**

Lime flavored drink is the beverage complying with the requirements for lime drink in § 27.____, except that it contains less than 6 percent equivalent natural strength lime juice and may contain added citric acid or other edible organic acid.

**§ 27.____ Lemon and limeade; identity; label statement of ingredients.**

(a) Lemon and limeade is the beverage deriving all its acidity from lemon and lime juices. It contains not less than 12.3 percent by volume of equivalent natural strength lemon and lime juice. It is prepared by mixing lemon and lime juice, concentrated lemon and lime juice, reconstituted lemon and lime juice, or any combination of these ingredients with water and one or more nutritive sweeteners. Optional ingredients are cold-pressed lemon oil, cold-pressed lime oil, concentrated lemon oil, concentrated lime oil, lemon essence, lime essence, or any combination of these ingredients, and buffer salts.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the lemon and lime juice ingredients is not less than 0.7 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Lemon and limeade." The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Lemon and lime drink; identity; label statement of ingredients.**

(a) Lemon and lime drink is the beverage deriving all its acidity from lemon and/or lime juices. It contains not less than 6 percent by volume of equivalent natural strength juice. It is prepared by mixing lemon or lime juice, concentrated lemon or lime juice, reconstituted lemon or lime juice, or any combination of these ingredients with cold-pressed lemon and lime oil, concentrated lemon and lime oil, lemon and lime essence, or any combination of these flavoring ingredients with water and one or more nutritive sweeteners. One or more of the optional ingredients, other natural flavoring, color, ascorbic acid, buffer salts, emulsifiers, stabilizers, and weighting oils may be added, provided that they are not used in a manner to cause the finished drink to simulate or imitate beverages for which standards of identity preclude the use of such substances. When ascorbic

acid is added, the total ascorbic acid in the drink is not to exceed 7 milligrams per 8-fluid ounce serving.

(b) The minimum requirement for juice content is met when the acidity of the product derived solely from the juice ingredients is not less than 0.342 gram per 100 milliliters, calculated as anhydrous citric acid.

(c) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(d) The name of the beverage is "Lemon and lime drink."

The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage contains added coloring, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Artificially colored" or "Color added."

(f) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Lemon and lime flavored drink; identity.**

Lemon and lime flavored drink is the beverage complying with the requirements for lemon and lime drink in § 27.____, except that it contains less than 6 percent juice and may contain added citric acid or other edible organic acid.

**§ 27.____ Fruit lemonade, fruit lemon punch; identity; label statement of ingredients.**

(a) Fruit lemonade, fruit lemon punch is the beverage deriving all its acidity from the juice ingredients and tests not less than 0.6 gram per 100 milliliters, calculated as anhydrous citric acid. It possesses a distinct and noticeable flavor that is characteristic of the fruit named. It is prepared by mixing lemon juice, concentrated lemon juice, reconstituted lemon juice, or any combination of these ingredients with water, one or more nutritive sweeteners, and other concentrated fruit juices and/or fruit purees. Optional ingredients are other natural flavoring and buffer salts.

(b) The juice and fruit ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(c) The name of the beverage is "_____ lemonade" or "_____ lemon punch," the blank being filled in with the name of the fruits supplying the characteristic flavor, as for example, "grape lemonade" or "grape-lemon punch." The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(d) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Fruit lemon drink; identity; label statement of ingredients.**

(a) Fruit lemon drink is the beverage deriving all its acidity from the juice and fruit ingredients, and tests not less than 0.342 gram per 100 milliliters, calculated as anhydrous citric acid. It possesses a distinct and noticeable flavor that is characteristic of the fruit named. It is prepared by mixing lemon juice, concentrated lemon juice, reconstituted lemon juice, or any combination of these ingredients with water, one or more nutritive sweeteners, and other concentrated fruit juices and/or fruit purees. One or more of the optional ingredients, other natural flavoring, color, ascorbic acid, buffer salts, emulsifiers, stabilizers, and weighting oils may be added, provided that they are not used in a manner to cause the finished drink to simulate or imitate beverages for which standards of identity preclude the use of such substances. When ascorbic acid is added, the total ascorbic acid in the drink is not to exceed 7 milligrams per 8-fluid ounce serving.

(b) The juice ingredients may be so treated with heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The product may be preserved with preservatives, by chilling, and by freezing, or it may be so processed by heat, either before or after sealing in containers, as to prevent spoilage.

(c) The name of the beverage is "_____ lemon drink," the blank being filled in with the name of the other fruits used. The label shall list the ingredients in descending order of predominance, on a percent-by-weight basis.

(d) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage contains added coloring, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Artificially colored" or "Color added."

(e) Whenever the name of the beverage appears on the label so conspicuously as to be easily seen under customary conditions of purchase, and the beverage is preserved with preservatives, the following statement shall immediately and conspicuously precede or follow the name of the beverage, without intervening written, printed, or graphic matter: "Preserved with _____" or "Contains _____, a preservative," the blank being filled in with the name of the preservative.

**§ 27.____ Fruit flavored lemon drink; identity.**

Fruit flavored lemon drink is the beverage complying with the requirements for fruit lemon drink in § 27.____, except that it has an acidity of less than 0.342 gram per 100 milliliters, calculated as anhydrous citric acid, and need not be completely juice-acidified.

2. The proposals of the Commissioner of Food and Drugs are as follows:

**§ 27.____ Fifty percent fruit juice drinks; identity; label statement of optional ingredients.**

(a) The fruit juice drinks for which definitions and standards of identity are prescribed by this section are the beverage foods made from one or more of the fruit juice ingredients named in paragraph (b) of this section, to which water is added. The finished fruit juice drink contains not less than 50 percent of fruit juice, calculated to a single strength basis. This fruit juice requirement is deemed to be met when the proportion of fruit-soluble solids is not less than 50 percent of the value set out in the table in paragraph (b) of this section for the kind of fruit juice used. For blended fruit juice drinks, each fruit juice ingredient is used in a quantity at least sufficient to impart its characteristics to the blend, and the sum of the fruit juice ingredients, each calculated to a single-strength basis, amounts to not less than 50 percent of the finished food. Fruit juice drinks may contain one or more of the optional ingredients specified in paragraph (c) of this section. The food may be preserved by freezing, by refrigeration, or it may be sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The fruit juice ingredients referred to in paragraph (a) of this section are unconcentrated, concentrated, or diluted fruit juices that may be fresh, frozen, or canned. They may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. For the purpose of this section, the fruit juice soluble-solids content prescribed for each single-strength fruit juice is listed in the following table:

| Kind of fruit juice: | *Soluble solids by weight (percent)* |
|---|---|
| Blackberry, boysenberry, youngberry, or dewberry | 10.0 |
| Black raspberry | 11.0 |
| Cherry | 14.3 |
| Cranberry | 10.5 |
| Grapefruit | 9.1 |
| Grape | 14.3 |
| Loganberry | 10.5 |
| Orange | 11.8 |
| Pineapple | 14.3 |
| Red raspberry | 10.5 |

(c) The optional ingredients referred to in paragraph (a) of this section are any one or more of the following ingredients, which either are not food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act or are food additives and are used in conformity with regulations promulgated under authority of section 409 of the act:

(1) Any edible organic acid.

(2) Any nutritive sweetener prescribed in § 27.1.

(3) Natural fruit flavors derived solely from the fruit or fruits designated in the name of the fruit juice drink.

(4) Authorized color additives.

(5) Ascorbic acid (vitamin C), added in such quantity that it amounts to not less than 30 milligrams and not more than 50 milligrams in each 100 milliliters of the finished fruit juice drink.

(d) The specified name of the food to which this section applies is "_____ 50% fruit juice drink" or "50% fruit juice drink _____," the blank being filled in with the name of the fruit or fruits used, the words and numerals in the name to be of uniform type size and of equal prominence. If two or more fruit juices are used, the names of the fruits shall appear in the name of the food in the order of their predominance. The name of the food is preceded by the word "chilled" if the article is preserved by refrigeration and by the word "frozen" if it is preserved by freezing.

(e)(1) If concentrated fruit juice, as provided in paragraph (b) of this section, is used in fruit juice drink, the label shall bear the statement "Prepared from concentrated fruit juice (or juices)" or "Prepared in part from concentrated fruit juice (or juices)," as appropriate.

(2) The label shall list by their common names those optional ingredients, as provided by paragraph (c)(1) and (2) of this section, that are used. If a natural fruit-flavoring ingredient, as provided in paragraph (c)(3) of this section is used, the label shall declare it either by its common name or as "flavoring." If a color additive, as provided by paragraph (c)(4) of this section is used, it shall be declared as "coloring added" or if it is an artificial color, as "artificial coloring added." If ascorbic acid, as provided by paragraph (c)(5) of this section is used, the label shall conform to the labeling requirements of the regulations covering foods for special dietary use, issued pursuant to section 403(j) of the act.

(3) The words and statements showing the optional ingredients used shall be placed on labels prominently and with such conspicuousness, as compared with other words, designs, or devices on the label, as to render such statements likely to be read and understood under customary conditions of purchase.

**§ 27.____ Thirty percent fruitades; identity; label statement of optional ingredients.**

(a) The fruitades for which definitions and standards of identity are prescribed by this section are the beverage foods, other than lemonade and limeade which are covered by specific standards, that conform to the requirements for composition and for labeling of optional ingredients as prescribed by § 27.____ for 50 percent fruit juice drinks, except that the finished fruitade contains less than 50 percent but not less than 30 percent of fruit juice, calculated as prescribed in § 27.____(a).

(b) The specified name of the food to which this section applies is "30% fruit juice _____ ade," the blank being filled in with the name of the fruit or fruits used. The other labeling provisions concerning the name of the food as prescribed in § 27.____(d) apply to this section also.

**§ 27.____ Ten percent fruit drinks; identity; label statement of optional ingredients.**

(a) The fruit drinks for which definitions and standards of identity are prescribed by this section are the beverage foods that conform to the requirements for composition and for labeling of optional ingredients as prescribed by § 27.____ for 50 percent fruit juice drinks, except that the finished fruit drink contains less than 30 percent but not less than 10 percent of fruit juice, calculated as prescribed in § 27.____(a).

(b) The specified name of the food to which this section applies is "10% fruit juice _____ drink," the blank being filled in with the name of the fruit or fruits used. The other labeling provisions concerning the name of the food as prescribed in § 27.____(d) apply to this section also.

**§ 27.____ Lemonade; identity; label statement of optional ingredients.**

(a) Lemonade is the beverage food prepared from one or both of the lemon juice ingredients specified in paragraph (b) of this section to which water and one or more of the nutritive sweetening ingredients named in § 27.1 are added. Lemonade derives its acidity solely from the fruit juice ingredients used, and this acidity, calculated as anhydrous citric acid, is not less than 0.70 gram per 100 milliliters of the finished beverage. It may contain one or more of the optional flavoring ingredients specified in paragraph (c) of this section. The beverage made by diluting frozen concentrate for lemonade, prescribed in § 27.101, with water so as to meet the requirements of this section is deemed to be lemonade. Lemonade may be preserved by refrigeration or by freezing.

(b) The lemon juice ingredients referred to in paragraph (a) of this section are:

(1) Lemon juice or frozen lemon juice or both.

(2) Concentrated lemon juice or frozen concentrated lemon juice or both.

For the purposes of this section, lemon juice is the juice expressed from mature lemons of an acid variety. Concentrated lemon juice is lemon juice from which part of the water has been removed. The lemon juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(c) The optional flavoring ingredients referred to in paragraph (a) of this section are: Lemon oil, cold-pressed lemon oil, concentrated lemon oil.

(d) The name of the food which conforms to this definition and standard of identity is "Lemonade." If the food is preserved by freezing, its name is "Frozen lemonade."

(e) When one or more of the optional flavoring ingredients specified in paragraph (c) of this section are added, the label shall bear the statement "_____ added" or "with added _____," the blank being filled in either with the word "flavoring" or with the common name of the lemon oil ingredient or ingredients used.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (e) of this section, showing the optional ingredient or ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

**§ 27.____ Colored lemonade; identity; label statement of optional ingredients.**

(a) Colored lemonade is the beverage food which conforms to the definition and standard of identity and is subject to the requirement for label statement of optional ingredients prescribed for lemonade by § 27.____, except that it is colored with an artificial coloring ingredient or other optional color additive ingredient authorized for use in food pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

(b) The name of the food conforms to the name prescribed by § 27.____, except that the word "lemonade" is immediately preceded by a word to describe the color of the food, as for example, "Frozen pink lemonade."

(c) The authorized coloring ingredient used shall be shown on the label by the statement "_____ added" or "with added _____," the blank being filled in with the words "artificial coloring" if the color additive used is artificial, or if it is not an artificial coloring the blank is filled in with the word "coloring" or with the common name of the color additive used, as for example, "with added grape juice."

**§ 27.____ Limeade; identity; label statement of optional ingredients.**

(a) Limeade is the beverage food prepared from one or both of the lime juice ingredients specified in paragraph (b)

of this section to which water and one or more of the nutritive sweetening ingredients named in § 27.1 are added. Limeade derives its acidity solely from the fruit juice ingredients used, and this acidity, calculated as anhydrous citric acid, is not less than 0.70 gram per 100 milliliters of the finished beverage. It may contain one or more of the optional flavoring ingredients specified in paragraph (c) of this section. Limeade may be preserved by refrigeration or by freezing.

(b) The lime juice ingredients referred to in paragraph (a) of this section are:

(1) Lime juice or frozen lime juice or both.

(2) Concentrated lime juice or frozen concentrated lime juice or both.

For the purposes of this section, lime juice is the juice expressed from mature limes of an acid variety. Concentrated lime juice is lime juice from which part of the water has been removed. The lime juice ingredients may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(c) The optional flavoring ingredients referred to in paragraph (a) of this section are: Lime oil, cold-pressed lime oil, concentrated lime oil.

(d) The name of the food which conforms to this definition and standard of identity is "Limeade." If the food is preserved by freezing its name is "Frozen limeade."

(e) When one or more of the optional flavoring ingredients specified in paragraph (c) of this section are added, the label shall bear the statement "---------- added" or "with added ----------," the blank being filled in either with the word "flavoring" or with the common name of the lime-oil ingredient or ingredients used.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in paragraph (e) of this section, showing the optional ingredient or ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Dated: July 29, 1964.

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

[F.R. Doc. 64-8138; Filed, Aug. 12, 1964; 8:45 a.m.]

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## [ 21 CFR Part 31 ]

## FRUIT-FLAVORED NONCARBONATED BEVERAGES

### Proposed Definition and Standard of Identity

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371), and pursuant to the authority vested in the Secretary of Health, Education, and Welfare and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90; 29 F.R. 471), all interested persons may submit views and comments orally or in writing concerning the proposal published in this notice. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, 300 Independence Avenue SW., Washington, D.C., 20201, and should be submitted within 60 days from the date of publication of this notice in the FEDERAL REGISTER, preferably in writing and in quintuplicate. Such comments may be accompanied by memoranda or briefs in support thereof.

Proposals are now under consideration for establishing standards for diluted fruit juice beverages. Steps have been taken to establish standards to cover, as a class, the nonalcoholic, carbonated drinks called soda water beverages. These proposals leave those products that are noncarbonated counterparts of the fruit-flavored soda waters (sometimes called "still beverages") as a category not provided for in the standards.

It is proposed that a standard for the subject beverages be established, as follows:

**§ 31.20 Fruit-flavored, noncarbonated beverages; identity; label statement of optional ingredients.**

(a) The fruit-flavored noncarbonated beverages for which definitions and standards of identity are prescribed by this section are the noncarbonated counterparts of soda water beverages. These noncarbonated beverages contain fruit juice in an amount not in excess of 10 percent, calculated as single-strength fruit juice, to which is added water and one or more of the nutritive sweeteners specified in paragraph (b)(1) of this section. They may contain one or more of the optional ingredients specified in paragraph (b) of this section; *Provided*, That any such ingredient that is a food additive as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act is used only in conformity with regulations established pursuant to section 409 of the act, and any such ingredient that is a color additive as defined in section 201(t) of the act, is used only in conformity with regulations established pursuant to section 706 of the act. Fruit-flavored noncarbonated beverages are preserved by processing with heat, so as to prevent spoilage, or they are preserved with one or more of the ingredients specified in paragraph (b)(7) of this section.

(b) The optional ingredients referred to in paragraph (a) of this section, that may be used in such proportions as are reasonably required to accomplish their intended effects, are:

(1) One or more of the following sweetening ingredients, which may be used in dry or sirup form: Sugar, invert sugar, corn sirup, glucose sirup, dextrose, sorbitol.

(2) One or more of the acidifying ingredients citric acid, tartaric acid, lactic acid, phosphoric acid, acetic acid, adipic acid, fumaric acid, malic acid.

(3) One or more of the buffering salts consisting of the acetate, bicarbonate, carbonate, chloride, citrate, lactate, orthophosphate, or the sulfate of calcium, magnesium, potassium, or sodium.

(4) One or more of the stabilizing ingredients pectin, carob bean gum, guar gum, gum acacia, gum tragacanth, sodium alginate, propylene glycol alginate, methylcellulose, sodium carboxymethylcellulose, sodium metaphosphate (sodium hexametaphosphate), lecithin, hydroxylated lecithin, mono- and diglycerides of fat-forming fatty acids, polyglycerol esters of fatty acids, glycerol esters of wood rosin, brominated vegetable oil.

(5) One or more of the following flavoring ingredients, which may be added in a carrier of ethyl alcohol, glycerin, or propylene glycol:

(i) Natural flavorings derived from fruits or fruit juices.

(ii) Artificial flavoring.

(6) Natural or artificial color additives.

(7) Any one or more of the following chemical preservatives: Ascorbic acid, erythorbic acid, sulfur dioxide, potassium or sodium bisulfite, potassium or sodium metabisulfite, benzoic acid, potassium or sodium benzoate, methyl paraben, propyl paraben, sorbic acid, potassium or sodium sorbate, calcium disodium EDTA, glucose-oxidase-catalase enzyme, nordihydroguaiaretic acid, BHA, BHT, tocopherols, propyl gallate.

(c) The specified names of the beverages for which definitions and standards of identity are prescribed by this section are:

(1) When the flavor is furnished by fruit juice or fruit juice and natural fruit flavoring (no artificial flavoring being used) the name is "Noncarbonated ---------- flavored beverage," the blank being filled in with the name of the fruit or fruits.

(2) When any artificial flavoring is used the name is "Noncarbonated artificially flavored ---------- beverage," the blank being filled in with the name of the fruit that the artificial flavoring simulates. The words "artificially flavored" are prominently and conspicuously displayed in letters not smaller than the letters used in the name of the fruit.

(d)(1) When any fruit-flavored noncarbonated beverage contains a flavoring ingredient as provided by paragraph (b)(5)(i) of this section, the label shall bear the statement "Flavoring added" or "With added flavoring." If such beverage contains a color additive as provided by paragraph (b)(6) of this section, the label shall bear the statement "Coloring added" or "With added coloring"; or if the coloring is artificial, the statement "Artificial coloring added" or "With added artificial coloring." If the beverage contains any preservative ingredient, as provided by paragraph (b)(7) of this section, such ingredient shall be declared on the label by the statement "Preserved with ----------" or "---------- added as a preservative," the blank being filled in with the common name of the preservative or preservatives used. Where two or more statements are required for naming optional ingredients designated for label declaration they may be combined, as for example, "With added flavoring, artificial coloring, and preserved with sodium benzoate."

(2) The labeling statements prescribed by this paragraph shall be displayed on labels prominently and with such conspicuousness (as compared with other words, statements, or designs on the label) as to render them likely to be read and understood under customary conditions of purchase.

Dated: July 29, 1964.

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

[F.R. Doc. 64-8139; Filed, Aug. 12, 1964; 8:45 a.m.]

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[ 21 CFR Part 133 ]

## MEDICATED ANIMAL FEEDS; MANUFACTURING PRACTICES AND CONTROLS

### Notice of Proposed Rule Making

Under the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501 (a)(2)(B), 701(a); 52 Stat. 1050 as amended 76 Stat. 780, 781; 1055; 21 U.S.C.A. 351(a)(2)(B), 371(a)), and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs proposes the promulgation of the following regulations to establish criteria for current good manufacturing practice in the manufacture, processing, packing, and holding of medicated animal feeds, to effect compliance with section 501(a)(2)(B) of the act.

All interested persons are invited to present written views and comments regarding the proposals published in this notice. Such views and comments should be submitted preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments may be accompanied by a memorandum or brief in support thereof.

1. It is proposed to amend § 133.1 by adding thereto a new paragraph (c), as follows:

**§ 133.1 Definitions.**

* * * * *

(c) As used in this Part 133, the term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. The term "medicated feed" does not include any undiluted drug or "premix," as defined in § 121.200, intended for manufacturing use in the production of a medicated "feed additive concentrate," as defined in 133.14, inclusive.

2. It is proposed to add to Part 133 new sections, as follows, under the center heading indicated:

MEDICATED FEEDS; MANUFACTURING PRACTICE

**§ 133.100 Current good manufacturing practice.**

The criteria in §§ 133.101–133.110, inclusive, shall apply in determining whether the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or holding of a medicated feed conform to or are operated or administered in conformity with current good manufacturing practice to assure that a medicated feed meets the requirements of the act as to safety, and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess, as required by section 501(a)(2)(B) of the act. The regulations in this Part 133 permit the use of precision automatic mechanical or electronic equipment in the production of a medicated feed when adequate inspection and checking procedures are used to assure proper performance.

**§ 133.101 Buildings.**

Buildings in which medicated feeds are manufactured, processed, packaged, labeled, or held shall be maintained in a reasonably clean and orderly manner and shall be of suitable size, construction, and location in relation to surroundings to facilitate maintenance and operation for their intended purpose. The buildings shall:

(a) Provide adequate space for the orderly placement of equipment and materials used in any of the following operations for which they are employed, to minimize any risk of mixups between different medicated feeds, their components, packaging, or labeling:

(1) The receipt, control, and storage of components.

(2) Any manufacturing and processing operations performed on the medicated feed.

(3) Any packaging and labeling operations.

(4) Storage of containers, packaging materials, labeling, and finished products.

(b) Provide adequate lighting and ventilation, screening, and other physical facilities necessary to prevent unsafe or any reasonably avoidable contamination of raw materials and finished products before, during, and after production.

(c) Provide for adequate washing, cleaning, toilet, and locker facilities.

**§ 133.102 Equipment.**

Equipment used for the manufacture, processing, packaging, bulk shipment, labeling, holding, or control of medicated feeds shall be maintained in a reasonably clean and orderly manner and shall be of suitable design, size, construction, and location in relation to surroundings to facilitate maintenance and operation for its intended purpose. The equipment shall:

(a) Be so constructed that any surfaces that come into contact with medicated feeds are suitable, in that they are not reactive, additive, or absorptive to an extent that significantly affects the identity, strength, quality, or purity of the medicated feed or its components.

(b) Be so constructed that any substance required for the operation of the equipment may be employed without hazard of becoming an unsafe additive to the medicated feed.

(c) Be constructed to facilitate adjustment, cleaning, and maintenance, and to assure uniformity of production and reliability of control procedures and to assure the exclusion from medicated feeds of unsafe or reasonably avoidable contamination, including cross-contamination from manufacturing operations.

(d) Be suitably grounded electrically to prevent lack of uniform mixing due to electrically charged particles.

(e) Be of suitable size and accuracy for use in any intended measuring, mixing, or weighing operations.

**§ 133.103 Personnel.**

The key employees and/or consultants responsible for the formulation, manufacture, and control of the medicated feed shall have a background of education or experience or a combination thereof appropriate to assure proper composition and labeling of the medicated feeds.

**§ 133.104 Components.**

(a) Drug components used in the manufacture and processing of medicated feeds shall be identified, stored, handled, and used and otherwise controlled in a manner to assure that they conform to appropriate specifications of identity, strength, quality, and purity. Appropriate inventory records shall be maintained of their origin, testing (including testing by suppliers), receipt, and use.

(b) Nondrug components shall be stored and otherwise handled to avoid contamination with drugs, pesticides, and other reasonably avoidable adulteration.

**§ 133.105 Formula and production records.**

(a) For each medicated feed, master formula records shall be prepared, checked, and reconciled by a competent and responsible individual. Formula records shall include:

(1) The name of the product and/or other appropriate identification.

(2) The weight or measure of each ingredient, adequately identified, to be used in manufacturing a stated weight of the medicated feed.

(3) A copy, description, or notation adequately identifying the label for the finished medicated feed.

(4) Manufacturing instructions for each medicated feed produced on a batch basis, including mixing steps, mixing times, and batch formulas that have been determined to yield an adequately mixed medicated feed; and in the case of medicated feed produced by continuous production run, appropriate manufacturing directions, including, when indicated, the

settings of equipment that have been determined to yield an adequately mixed medicated feed of the labeled formula.

(5) Appropriate control directions, including the manner and frequency with which samples of the medicated feed are to be taken for specified laboratory tests, the criteria for using laboratory test results to change formulations or manufacturing procedures, and the procedures to be observed to avoid unsafe or reasonably avoidable contamination of the medicated feed with other products.

(b) A production record shall be prepared for each batch or run of medicated feed produced, and shall be retained for at least 2 years. The production record shall include:

(1) Product identification, date of production, and endorsement by a responsible individual.

(2) A record of the quantity of drug components used.

(3) A record of the quantity of medicated feed produced.

(c) In the case of customer-formula feeds, the formula and production records required by paragraphs (a) and (b) of this section may consist of copies of customers' invoices bearing the required information.

**§ 133.106 Production and control procedures.**

Production and control procedures shall include all reasonable precautions, including the following, to assure that the medicated feeds produced are of proper composition and labeling.

(a) Each critical step in the process, such as the selection, weighing, and measuring of components; the addition of drugs during the process; the control of mixing times; the adjustment of the equipment involved in continuous production processes; and the determination of the finished yield, shall be performed in a manner that has been determined by appropriate methods, including laboratory testing of the medicated feed, to be adequate to assure the integrity of the final product. If such steps in the processing are controlled by precision automatic, mechanical, or electronic equipment, provision shall be made to adequately check its performance.

(b) All drug containers and equipment used in producing a batch or run of medicated feed shall be adequately identified, and shall be stored separately from nondrug components and handled in a manner adequate to prevent mixups and contamination of nondrug components.

(c) Equipment, including dust-control and other equipment returning recovered materials back into production, shall be maintained and operated in such a manner as to prevent unsafe or any reasonable avoidable contamination of medicated feeds.

(d) Precautions to prevent unsafe or reasonably avoidable contamination of medicated feeds include one or more of the following or equally effective procedures:

(1) Cleaning all mixers, conveyors, and other equipment used in the production of a medicated feed to remove any drug or medicated feed prior to production of a different medicated feed.

(2) Cleaning of those parts of mixing, conveying, and other equipment coming in contact with the drug content of a medicated feed to remove any drug or medicated feed prior to production of a different medicated feed.

(3) Flushing all mixing equipment, conveyors, and other equipment to be used in production of a medicated feed with a quantity of an appropriate drug-free feedstuff that has been determined to remove any significant quantity of drug or medicated feed prior to production of a different medicated feed. The yield from such flushing operations may be incorporated in appropriate amounts in subsequent production of a medicated feed intended to contain the same drug provided it does not result in the failure of the subsequent production to conform to applicable specifications. Such material shall not be used in the production of a nonmedicated or a medicated feed not intended to contain the drug at a specific level stated on its label.

(e) To assure the uniformity and integrity of products, there shall be adequate controls, such as checking the quantity of drugs, the package weights, and the adequacy of mixing, including laboratory assays of the drug content of medicated feeds according to the following frequency schedule or one at least as reliable:

(1) For medicated feeds produced on a batch basis, appropriately drawn samples from at least three consecutive batches from each 100 batches produced, and at least three batches per year.

(2) For medicated feeds produced by continuous production run, at least three appropriately drawn samples from each 400 tons of medicated feed produced, and at least three samples per year.

(f) Production and control procedures shall include provision for discontinuing production and distribution of any medicated feed found by the assay procedures or any other controls performed to fail to conform to appropriate specifications until properly controlled production has been established.

**§ 133.107 Packaging and labeling.**

Packaging and labeling operations shall be adequately performed and controlled to assure that only those medicated feeds made in compliance with established formula records and manufacuring and control directions shall be distributed; to prevent mixups between medicated feeds during the packaging and labeling operations; and to assure that correct labeling is employed for the medicated feed. In the case of commercial feeds distributed in bulk, complete labeling shall accompany the shipment and be supplied to the purchaser at the time of delivery. When necessary, such labeling shall include placards to identify bulk lots, bearing information necessary to assure safe and effective use. Each type of labeling used shall be stored in a manner that avoids mixups between labeling.

**§ 133.108 Laboratory controls.**

Laboratory controls shall include the establishment of adequate specifications and test procedures to assure that the drug components and the finished medicated feeds conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications and a description of the test procedures used to check them for each kind of drug used in the manufacture of medicated feeds; this may consist of a guaranty by the manufacturer or supplier of the drug that the drug meets stated specifications as determined by described test procedures.

(b) The establishment of finished-product specifications for medicated feeds and a description of laboratory test procedures to check them, including assays of the active drug ingredient on appropriately drawn samples with a frequency schedule conforming to the requirements of § 133.106(e).

(c) A determination that the drug components remain uniformly dispersed and stable in the medicated feed under ordinary conditions of shipment, storage, and use; this may consist of a supplier's or consultant's determination made on a feed of substantially the same formula.

(d) Adequate provision to check the reliability, accuracy, and precision of any laboratory test procedure used; the official Methods of the Association of Official Agricultural Chemists and methods described in an official compendium shall be regarded as meeting this provision.

(e) Provision for complete records of all required analytical data, including dates and endorsement of analysts. Records of all analyses or complete and accurate copies thereof including State laboratory assays, shall be retained at the establishment where the medicated feed was produced for at least 2 years after distribution has been completed.

**§ 133.109 Distribution records.**

Complete records shall be maintained for each shipment of medicated feeds in a manner that will facilitate the recall, diversion, or destruction of the shipment, if necessary. Such records shall be retained for at least 2 years after the date of the shipment, and shall include the name and address of the cosignee, the date and quantity shipped, and the manufacturing dates, control numbers, or marks identifying the medicated feed shipped. If the medicated feed is held under control of the manufacturer for further shipment at establishments other than where produced, records as outlined in this section shall be maintained at these establishments.

**§ 133.110 Complaint files.**

Records shall be maintained of all written or verbal complaints for each medicated feed. Complaints shall be evaluated by responsible personnel and, where indicated, appropriate action taken. The records shall indicate evaluation and action.

Dated: August 7, 1964.

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

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