Pages 13867–13923

FEDERAL REGISTER

VOLUME 29 NUMBER 197

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Contents

(Continued on next page)

Codification Guide

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

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

5 CFR

1201 13869

7 CFR

706 13885
871 13890

12 CFR

1 13869

14 CFR

PROPOSED RULES:
71 [New] (4 documents) 13904, 13905
73 [New] (2 documents) 13906, 13907
91 [New] 13907
507 13908

16 CFR

13 (3 documents) 13892

21 CFR

8 13893
121 (2 documents) 13894, 13895
146 13895

26 CFR

1 13896

29 CFR

PROPOSED RULES:
610 13903
612 13903
614 13903
615 13903

32 CFR

845 13869
846 13871
850 13872
870 13873
881 13873
905 13883
906 13883
920 13885

39 CFR

PROPOSED RULES:
22 13903

47 CFR

73 (2 documents) 13896

50 CFR

32 (5 documents) 13900, 13901
PROPOSED RULES:
256 13902

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 1201—GENERAL

Miscellaneous Amendments

1. Effective upon publication in the FEDERAL REGISTER, Part 1201, *General*, amend paragraph entitled "Authority" by deleting same and substituting therefor the following:

AUTHORITY: The provisions of this Part 1201 issued under Title 2, CZC, Subchapter III, 76A Stat., and E.O. 11171 of August 18, 1964 (29 F.R. 11897). Additional authority is cited in parenthesis following sections affected.

2. Effective upon publication in the FEDERAL REGISTER, § 1201.1 is amended to read as follows:

§ 1201.1 Purpose.

By virtue of the authority contained in Title 2, CZC, Subchapter III, and in Executive Order 11171 of August 8, 1964 (29 F.R. 11897), the regulations in this chapter are issued for the purpose of establishing a Canal Zone Merit System governing employment in the Canal Zone and to provide a uniform system of compensation for such employment.

3. Effective upon publication in the FEDERAL REGISTER, the third item in the terms defined in § 1201.2 is amended to read as follows:

§ 1201.2 Definitions.

As used in this chapter the term:

* * * * *

Commander-in-Chief. "Commander-in-Chief" means Commander-in-Chief, United States Southern Command.

* * * * *

4. Effective upon publication in the FEDERAL REGISTER, § 1201.4(a) is amended to read as follows:

§ 1201.4 Canal Zone Civilian Personnel Policy Coordinating Board.

(a) *Establishment and membership.* There is hereby established a Canal Zone Civilian Personnel Policy Coordinating Board composed of the Governor of the Canal Zone and the Commander-in-Chief, or their designated representatives.

* * * * *

5. Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of § 1201.5(a) is amended to read as follows:

§ 1201.5 Delegations of Authority.

(a) *Authority of Board.* The Board is hereby authorized to:

* * * * *

(4) Redelegate any of the authority vested in it by subparagraphs (2) and (3) of this paragraph to committees or other entities established under its supervision or to existing agencies.

* * * * *

(2 C.Z.C. sec. 155, 76A Stat. 19; E.O. 11171, 29 F.R. 11897)

STEPHEN AILES,
Secretary of the Army.

[F.R. Doc. 64-10207; Filed, Oct. 7, 1964; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Hospital Authority of Cobb County, Georgia

§ 1.153 Hospital authority of Cobb County, Georgia.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,850,000, 3¾ percent Revenue Certificates of the Hospital Authority of Cobb County, Georgia issued on June 1, 1964 are eligible for dealing in, underwriting and unlimited holding by National Banks pursuant to Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The Hospital Authority of Cobb County, created pursuant to the Hospital Authorities Law of the State of Georgia, as a public corporate body for the purpose of constructing and financing a hospital for the County, has issued Certificates the proceeds from which are being used to finance the construction of the hospital and related facilities. These Certificates are payable from the revenues from the Authority's contract with Cobb County made pursuant to the "Hospital Authorities Law" and funds derived from any other source. Under this contract, the County has agreed to pay for the period of the outstanding Certificates, ending in 1985, the Authority annually a definite amount which is sufficient to pay debt service on the Certificates. The County has also agreed to pay monthly the hospital's operation and maintenance costs which it has not earned itself. In order to make the payments under this contract the County is authorized to levy an ad valorem tax of up to five mills, and in certain circumstances an additional two mills may be levied, although it is anticipated that one mill will be sufficient to cover the demands of the contract.

(2) Cobb County, a political subdivision of the State of Georgia possessing resources sufficient to justify faith and credit, has, as authorized by the laws of Georgia, pledged its full faith and credit to make payments to the Authority of amounts which will be sufficient to provide for all required payments in connection with these bonds.

(c) *Ruling.* It is the conclusion of this Office that the $1,850,000, 3¾ percent Revenue Certificates of the Hospital Authority of Cobb County are "public securities" as set forth in § 1 3(c), issued pursuant to Paragraph Seventh of 12 U.S.C. 24, and are therefore eligible for purchase, dealing in, underwriting, and unlimited holding by National Banks.

Dated: September 30, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-10171; Filed, Oct. 7, 1964; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 845—PAYMENT OF COUNSEL FEES AND OTHER EXPENSES IN FOREIGN COURTS

A new Part 845 is added as follows:

Sec.
845.1 Purpose.
845.2 Statutory authority.
845.3 Responsibility.
845.4 Criteria for the provision of counsel and payment of expenses in criminal cases.
845.5 Provision of bail in criminal cases.
845.6 Criteria for furnishing counsel and payment of expenses in civil cases.
845.7 Procedures for hiring of counsel and payment of expenses.
845.8 Payment of counsel fees and other expenses.
845.9 Reimbursement.

AUTHORITY: The provisions of this Part 845 issued under sec. 8012, 70A Stat. 488, sec. 1037, 72 Stat. 1445; 10 U.S.C. 8012, 1037.

SOURCE: AFR 110-13, April 15, 1958; AFR 110-13A, June 30, 1959.

§ 845.1 Purpose.

This part establishes criteria and assigns responsibility for the provision of counsel, for the provision of bail, and for the payment of court costs and other necessary and reasonable expenses incident to representation in civil and criminal proceedings, including appellate proceedings, before foreign courts and foreign administrative agencies, which involve any persons subject to the court-martial jurisdiction of the Air Force. Payment of fines is not authorized hereunder.

§ 845.2 Statutory authority.

(10 U.S.C. 1037)

Counsel before foreign judicial tribunals and administrative agencies; court costs and bail

(a) Under regulations to be prescribed by him, the Secretary concerned may employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to the

representation, before the judicial tribunals and administrative agencies of any foreign nation, of persons subject to the Uniform Code of Military Justice. So far as practicable, these regulations shall be uniform for all armed forces.

(b) The person on whose behalf a payment is made under this section is not liable to reimburse the United States for that payment, unless he is responsible for forfeiture of bail provided under subsection (a).

(c) Appropriations available to the military department concerned or the Department of the Treasury, as the case may be, for the pay of persons under its jurisdiction may be used to carry out this section.

§ 845.3 Responsibility.

Request for provision of counsel, provision of bail, or payment of expenses will ordinarily be made by the defendant accused or cited in a foreign court or agency through channels appropriate under the circumstances to the officer exercising general court-martial jurisdiction over him. This officer will determine whether the request meets the criteria prescribed in this part and based upon such determination will take final action to approve or disapprove the request. However, within their geographical areas of responsibility, the Commander-in-Chief, United States Air Forces in Europe, and the Commander-in-Chief, Pacific Air Force, in the interest of obtaining prompt and effective legal service, may designate as approval authority, instead of the officer exercising general court-martial jurisdiction, any subordinate USAF officer having area responsibility in a particular country for all USAF personnel subject to foreign criminal jurisdiction.

§ 845.4 Criteria for the provision of counsel and payment of expenses in criminal cases.

(a) Requests for the provision of counsel and payment of expenses in criminal cases may be granted in both trial and appellate proceedings in any one of the following criminal cases:

(1) Where the act complained of occurred in the performance of official duty; or

(2) Where the sentence which is normally imposed includes confinement in excess of six months, whether or not such sentence is suspended; or

(3) Where capital punishment might be imposed; or

(4) Where an appeal is made from any proceeding in which there appears to have been a denial of the substantial rights of the accused; or

(5) Where the case, although not within the criteria established in subparagraph (1), (2), (3), or (4) of this paragraph, is considered to have significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

§ 845.5 Provision of bail in criminal cases.

Funds for the posting of bail or bond to secure the release of personnel from confinement by foreign authorities before, during, or after trial may be furnished in all criminal cases. Safeguards should be imposed to assure that at the conclusion of the proceedings or on the appearance of the defendant in court the bail or bond will be refunded to the military authorities. Bail will be provided only to guarantee the presence of the defendant and will not be provided to guarantee the payment of fines or civil damages. It is contemplated that provision of bail will be made, in any case, only after other reasonable efforts have been made to secure release of pretrial custody to the United States by other normal methods.

§ 845.6 Criteria for furnishing counsel and payment of expenses in civil cases.

(a) Request for provision of counsel and payment of expenses in civil cases may be granted in both trial and appellate proceedings in either of the following civil cases:

(1) Where the act complained of occurred in the performance of official duty; or

(2) Where the case is considered to have a significant impact upon the relations of United States forces with the host country, or the case is considered to involve a particular United States interest.

(b) However, no funds shall be provided under this part in cases where the United States of America is in legal effect the defendant, without prior authorization of The Judge Advocate General, Headquarters USAF.

§ 845.7 Procedures for hiring of counsel and payment of expenses.

(a) The selection of individual trial or appellate counsel will be made by, or with the approval of, the defendant. Such counsel shall represent the individual defendant and not the Government of the United States. Selection shall be made from approved lists of attorneys. Normally these lists will be coordinated with the local court or bar association, if any, and the appropriate diplomatic mission of the United States. In any event, these lists will be composed only of attorneys who are qualified and admitted for full practice, on their own account, before the courts of the foreign country involved. Counsel fees and expenses should conform to amounts paid under similar circumstances by nationals of the foreign country where the trial is held. When appropriate and reasonable in the case, the payment of expenses, in addition to counsel fees, may include court costs, bail costs, charges for obtaining copies of records, printing and filing, interpreter fees, witness fees, and other necessary and reasonable expenses. Expenses will not include the payment of fines or civil damages, directly or indirectly.

(b) Whenever possible a written agreement between the selected counsel and the officer responsible under § 845.3, or his designee acting on behalf of the United States of America, shall be entered into. The agreement shall cover counsel fees and, when appropriate, other costs, arising in defense of the entire case in the court of the first instance, and shall bind both parties with respect thereto. If the case is appealed to higher tribunals, supplemental agreements shall be executed for each appeal. A copy of the contractual agreement shall serve as the obligating document.

(c) If, because of local conditions or customs, it is not practicable to enter into the formal contractual arrangement referred to in paragraph (b) of this section, a letter of understanding or letter of commission shall be executed between the officer responsible under § 845.3, or his designee and the selected counsel. Such letter of understanding or letter of commission will be used to contract for the selected counsel's services on a time or similar basis, and will not bind the Government to pay for services covering the entire defense of the case in the court of the first instance. If the selected counsel refuses to execute the letter of understanding or letter of commission, his services may nonetheless be requested in accordance with the letter of understanding or amendments thereto. Commitments and obligations for services obtained will be recorded in accordance with the provisions of paragraph (d) of this section.

(d) A firm order or authorization to execute a letter of understanding shall serve as the commitment document for the reservation of funds in the amount estimated in such order or authorization, whether or not the letter of understanding is subsequently executed by the selected counsel. When the letter of understanding, bearing an estimate of counsel fees and other expenses, is issued, the amount of the previously recorded commitment may be amended, if appropriate. Whether or not the letter of understanding is executed, the obligation shall be recorded at the time of the receipt of, and to the extent of, the bill for services (provided that acceptance of the services has been certified in accordance with § 845.8), or at the time of, and to the extent of, the payment for the services, whichever occurs first.

(e) The provision of counsel and payment of expenses under this part is not subject to the provisions of the Armed Services Procurement Regulations (Subchapter A, Chapter I of this title). However, the contract clauses set forth in Part 7, Subpart E, Subchapter A, Chapter I of this title, and Part 1007, Subpart E, Subchapter W of this chapter, may be used as a guide in contracting.

(f) In consideration of the desirability of timely procedural action, it is suggested that there be designated, from among the judge advocates on the staffs of officers responsible under § 845.3, necessary contracting officers with contracting authority limited to agreements described in this section. The effect of this designation would be to combine within one office the duties of contracting officer and judge advocate.

§ 845.8 Payment of counsel fees and other expenses.

Payment of bills submitted by the selected counsel and other costs, shall be made in accordance with the general provisions of the AFM 177 series relating to payment of contractual obligations. All payments under these procedures will be in local currency. Acceptance of services procured under these procedures shall be certified to by the officer respon-

sible under § 845.3, or his designee. Payments of bail may be made when authorized by such officers. Such authorization shall be in the form of a directing letter or message citing 10 U.S.C. 1037.

§ 845.9 Reimbursement.

No reimbursement shall ordinarily be required from defendants with respect to payments made in their behalf under this part. However, all payments made in behalf of a defendant who willfully causes forfeiture of bail provided on his behalf under these procedures shall constitute a debt owed to the United States and shall be recovered from the defendant in accordance with the provisions of Air Force regulations.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64-10225; Filed, Oct. 7, 1964; 8:47 a.m.]

PART 846—PRIVATE INDEBTEDNESS AND SUPPORT OF LEGAL DEPENDENTS

A new Part 846 is added as follows:

Sec.
846.1 Purpose and scope.
846.2 Disputed claims.
846.3 Court orders.
846.4 Soldiers' and Sailors' Civil Relief Act of 1940.
846.5 Policy on support of legal dependents.
846.6 Policy on private indebtedness.
846.7 Action in cases of noncompliance.

AUTHORITY: The provisions of this Part 846 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.

SOURCE: AFR 35-29, September 6, 1955; AFR 35-29A, September 6, 1963.

§ 846.1 Purpose and scope.

This part sets forth Air Force policy pertaining to matters of private indebtedness and support of legal dependents. It provides guidance for commanders in handling complaints of this nature and establishes the position of the Air Force in regard to court orders and disputed claims.

§ 846.2 Disputed claims.

Ordinarily the Air Force is without authority to adjudicate a genuine dispute regarding the facts or the law concerning an alleged debt or claim. If the parties involved cannot arrive at an agreement, the controversy then becomes a matter to be considered by a civil court of competent jurisdiction. However, when a dispute arises, the commander will determine whether the Air Force member's contention is made in good faith. Commanders should utilize their staff judge advocates when necessary to insure proper consideration and analysis of the member's contention. The provisions of this section do not apply to controversies and disputes that have been adjudicated by a court of competent jurisdiction. The policy concerning court orders and decisions is covered in § 846.3.

§ 846.3 Court orders.

As a general rule, the Air Force accepts a court order issued by a municipal, State, or Federal court of the United States in a case involving private indebtedness or support of legal dependents as the legal determination of the controversy. Compliance with the provisions of a court order is expected. The Air Force has no authority to relieve an individual of an obligation imposed by a court order, or arrearage accumulated thereunder. Relief must be obtained through a civil court of competent jurisdiction.

§ 846.4 Soldiers' and Sailors' Civil Relief Act of 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178; 50 U.S.C. app. 501-590) provides certain protection and benefits for personnel of the Armed Services. The legal officer serving the command should be consulted when questions arise as to its application in specific cases.

§ 846.5 Policy on support of legal dependents.

(a) *General.* Air Force personnel must provide adequate and regular support to the best of their ability for legal dependents until relieved from such obligation by a civil court of competent jurisdiction. The Air Force has no authority to relieve an individual of this obligation. Failure of Air Force personnel to provide adequate support for their legal dependents without good cause reflects adversely upon the Air Force. Pending or contemplated court action does not relieve an individual from this obligation. Once a court order is issued which specifies a definite amount to be paid for support, this amount will usually be considered the extent of an individual's obligation. The legal obligation of Air Force personnel to support minor legitimate children continues even though a divorce decree is silent concerning their support. The assumption of additional responsibilities or remarriage does not release this obligation nor may parents waive the right of a minor child to support from the father; such relief must be obtained through legal action.

(b) *Lower grade airmen.* The Dependents Assistance Act of 1950 as amended (50 U.S.C. app. 2201, et seq.; and see AFM 177-105 (Military Pay—Volume 1 Policies and Personnel Procedures)) provides airmen in pay grades of E-1, E-2, E-3, and E-4 with less than 4 years of service a means of furnishing support for legal dependents through a Class Q allotment, provided the dependents do not occupy Government quarters. When a lower grade airman complies with this act, such compliance will generally be considered as meeting Air Force requirements for support in the absence of a court order or agreement between the parties to the contrary. However, where there are a large number of dependents, illness in the family, or any other factors which result in financial difficulties for his family, the airman should be counseled on his obligation to provide additional support to the best of his ability. A request for support in addition to a Class Q allotment will be referred to the airman concerned. Where the airman fails to initiate a Class Q allotment for his legal dependents, action will be taken in accordance with paragraph 30221, AFM 177-105. In appropriate cases dependency determinations will be referred to the Air Force Accounting and Finance Center, 3800 York Street, Denver, Colorado, 80205, in accordance with AFM 177-105.

(c) *Officers and Warrant Officers.* The amount constituting adequate support is to be determined primarily by agreement between the parties concerned. In the absence of an agreement in writing or a court order specifying a definite amount of support, the immediate commander will explain to the officer Air Force policy pertaining to his case. The officer will be counseled and given an opportunity to resolve the matter. The immediate commander will review the case to determine if the officer's decision is consistent with Air Force policy. The following will be taken into consideration:

(1) Needs of dependents.
(2) Amount of support normally provided per month prior to controversy.
(3) Number and age of legal dependents.
(4) Current pay and allowances of officer.
(5) Allowances received by officer by reason of his dependents.
(6) Any other facts pertaining to the individual case such as illness, financial difficulties of dependents, etc.

Request for support from the parents of an officer will be referred to the officer for his personal action. Parents will be advised of this referral.

(d) *Higher grade airmen.* In the absence of a court order or an agreement between the parties specifying an amount of support to be provided, an airman in the grade of E-4 with over 4 years of service or an airman of higher grade is expected to provide an amount at least equal to his quarters allowance as a minimum support for a wife and/or children of his present marriage unless a lesser amount is specified by or on behalf of the dependent. The Air Force has no legal authority to relieve an airman of his obligation to support his dependents or to determine the merits of a family dispute relative thereto, including the question of abandonment, unless the facts are admitted by both parties. Relief from an obligation for support is normally a matter for decision by a civil court of competent jurisdiction. The requirement to furnish the above-specified amount of support to dependents of a present marriage does not modify an airman's obligations to support dependents of previous marriages, and to comply with court orders relative thereto. Airmen who fail to comply with this policy will be considered for possible action under § 846.7.

§ 846.6 Policy on private indebtedness.

Air Force personnel are expected to pay promptly their legal obligations.

The fact that an individual is serving in the Air Force does not relieve him from financial responsibility for private debts even though the financial affairs of service personnel are of a private nature and as such beyond the authority of the Air Force to control. The Air Force has no authority to act as an intermediary to collect private debts on behalf of a complainant; nor do commanders have authority to direct personnel under their command to take specific action concerning their financial affairs. The pay of Air Force personnel is not subject to garnishment and cannot be diverted to satisfy private indebtedness. The only exceptions are in the case of support of legal dependents of airmen as provided for in the Dependents Assistance Act of 1950; when levies on account of delinquent Federal income taxes are served on Air Force finance officers by the Internal Revenue Service; or as otherwise specifically provided and required by law. Air Force personnel will make every effort to resolve their financial difficulties and to prevent them from becoming the subject of official correspondence. Continued non-payment of an acknowledged or adjudicated obligation without good cause reflects adversely upon the Air Force.

§ 846.7 Action in cases of noncompliance.

If, after counseling, the individual fails without good cause to resolve the issue or his actions bring discredit upon the Air Force, the immediate commander will determine if sufficient basis exists to warrant administrative or disciplinary action. Administrative or disciplinary action normally will not be required where the member is complying with his financial obligations to the best of his financial ability under the circumstances and where a failure to comply fully with his financial obligations is caused by a bona fide financial inability arising through no fault of the member. In cases of continued financial irresponsibility or where there are acts of evasion, fraud, or deceit, administrative or disciplinary action should be taken. This may be in the nature of an administrative admonition or reprimand, proceedings to determine the fitness of the offender to be retained in the service (AFRs 36–2 (Administrative Discharge Procedures (Unfitness, Unacceptable Conduct, or in the Interest of National Security)), 36–3 (Administrative Discharge Procedures (Substandard Performance of Duty)), 39–17 (Discharge of Airmen Because of Unfitness), 45–40 (Discharge of Officers of the AFRes by Reason of Misconduct or Inefficiency), or 45–43 (Administrative Discharge of Airmen Members of the AF Reserve)), nonjudicial punishment under Article 15 of the Uniform Code of Military Justice, or trial by court-martial. The action taken should be designed to improve discipline in the Air Force and to maintain the standards of conduct expected of Air Force personnel.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64–10226; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER E—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

Miscellaneous Amendments

1. Revise § 850.9(h) to read as follows:

§ 850.9 Dissemination and disclosure authority.

* * * * *

(h) *For historical research by persons outside the Executive Branch of the United States Government.* All requests by persons outside the Executive Branch of the United States Government for access to classified information in connection with historical research projects shall be forwarded through channels to the Office of Information (SAFOI), OSAF, Washington, D.C., 20330, for action. SAFOI shall be responsible for the following in administration of this program:

(1) Determine if the access requested is clearly consistent with the interests of national defense.

(2) Obtain investigation of individuals for whom access is requested, as prescribed in AFR 205–6 for personnel outside the Executive Branch of the United States Government engaged in historical research projects.

(3) Determine trustworthiness of individuals for whom access is requested in accordance with the standard and criteria outlined in AFR 205–6.

(4) Authorize or deny access requested based on above determinations.

(5) Prescribe locations, schedules, and circumstances in which research may be conducted.

(6) Prohibit removal of any classified material, including classified notes and manuscripts, by researchers from the U.S. Government facility designated for the conduct of research.

(7) Establish specific arrangements for Air Force review of research notes and manuscripts.

(8) Forward manuscripts for review by Directorate for Security Review, Assistant Secretary of Defense (Public Affairs), if deemed necessary.

(9) Assure that classified information is not published in final historical research manuscripts or otherwise subjected to compromise.

§ 850.10 [Amended]

2. In § 850.10(a) the phrase "will be accompanied" is amended to read "must be accompanied." And in paragraph (c)(2), the phrase "aliens will" is amended to read "aliens must."

3. Add new § 850.17a as follows:

§ 850.17a Security Requirements Check List (DD Form 254).

(a) *Periodic review of DD Forms 254.* (1) The project commander shall establish a suspense system to insure that the DD Form 254 for a prime contract is reviewed at the times specified in paragraph 6–104, AFR 205–4. The project officer shall accomplish the review and shall notify the PCO, in writing, whether the classifications of information involved in a contract remain the same or have been changed or cancelled. The review shall include a check to insure that the classification of the various elements of the contract work is consistent with the most recent classification assigned by the commander having original classification authority. If security considerations fail to support fully the assigned classification, or if it appears that an item of information no longer warrants protection as security information, the project officer shall request that the classification be reviewed by the commander having original classification authority.

(2) The PCO is responsible for issuing a revised DD Form 254, when appropriate, or for notifying the ACO, contractor, and all other recipients of the form, in writing, of the results of the review, whether or not changes in classification requirements are involved.

(3) The ACO is responsible for checking on the fulfillment of contract obligations by the Government as well as by the contractor. Therefore, he must maintain a record for each classified contract he administers, showing the date the DD Form 254 was reviewed. If his records disclose that the project command has been delinquent in reviewing these forms, he shall request them to comply with the provisions of subparagraph (1) of this paragraph.

(4) Following the review of the DD Form 254 for a prime contract, the ACO must conduct a similar review of the classification instructions issued for related subcontracts. The ACO may request the prime contractor to assist in the revision of a subcontractor's classification instructions. Any notice of change must be approved and signed by the contracting officer.

§ 850.19 [Amended]

4. In § 850.19(d), in the first sentence of paragraph (d), the word "will" is amended to read "shall," and in paragraph (e), the word "will" is amended to read "shall."

§ 850.20 [Amended]

5. In § 850.20(a)(1) the word "will" in the last two sentences is amended to read "shall."

6. Revise § 850.24(d)(2) to read as follows:

§ 850.24 Consultants.

* * * * *

(d) * * *

(2) If the consultant services are performed on the premises of the Air Force agency and the classified information is

not removed from such premises, no facility clearance is required. The contractor and his employees performing the personal services must jointly execute the certificate prescribed in paragraph 2–114.2a, AFR 205–4. Those personnel requiring access to classified information must be granted a personnel security clearance prior to being granted access.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 205–1A, May 1, 1964; AFR 205–1B, May 15, 1964]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64–10227; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—POLICIES AND PROCEDURES FOR THE ORGANIZATION, ADMINISTRATION AND OPERATION OF THE AFROTC

Miscellaneous Amendments

§ 870.10 [Amended]

1. In § 870.10 (b)(1) and (b)(2) amend "Headquarters USAF (AFPTR)" to read "USAF Military Personnel Center (AFPMPB), Randolph AFB, Tex. 78148."

2. Revise § 870.11(b)(1) to read as follows:

§ 870.11 Loyalty requirements.

* * * * *

(b) * * *

(1) The student must file the DD Form 98 sufficiently in advance of the announced enrollment date to permit a National Agency Check, or other investigation as may be required. Results should be available during the first term, quarter, or semester following enrollment.

3. Revise § 870.20(c) to read as follows:

§ 870.20 Credit for previous military training.

* * * * *

(c) *Credit for academy or senior division ROTC training.* If the candidate is eligible to enroll and is accepted, the PAS may waive on a year-for-year basis as much of the AFROTC program as he considers equivalent to previous training at the U.S. Air Force Academy, U.S. Military Academy, U.S. Naval Academy, or U.S. Coast Guard Academy, or in the senior division of the Army ROTC or Naval ROTC. A cadet may not be commissioned in the USAF unless the summer training phase is successfully completed or, in exceptional cases, unless credit is given for similar training taken while a member of another officer training program. The Commandant, AFROTC, is authorized to grant summer training accreditation for training taken while a member of another officer training program. (The provisions of § 870.15 (a)(4) also apply to these cadets.)

* * * * *

(Sec. 8012, 8540, 9381–9387, 70A Stat. 488, 527, 568–571; 10 U.S.C. 8012, 9382–9387) [AFR 45–48A, August 4, 1964]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64–10228; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT OF OFFICERS IN THE UNITED STATES AIR FORCE OR AS RESERVES OF THE AIR FORCE

A new Part 881 is added as follows:

Subpart A—General

Sec.
881.1 Purpose.
881.2 Duration of appointment.
881.3 Temporary appointments.
881.4 Responsibility.
881.5 Delegation of authority.
881.6 Procurement objectives.

Subpart B—Eligibility Requirements

881.7 Who may apply for appointment.
881.8 Persons ineligible to apply.
881.9 Moral requirements.
881.10 Citizenship requirements.
881.11 Medical requirements.
881.12 Age, education, experience, and grade requirements.

Subpart C—Application and Processing Procedures

881.13 Method of application.
881.14 Security certificate.
881.15 Testing.
881.16 Disqualified applicants.

Subpart D—Appointment of Judge Advocate Officers

881.17 Application.
881.18 Professional qualifications.
881.19 Appointment and reappointment.

Subpart E—Appointment of Chaplains

881.20 Application for the Air Force chaplaincy.
881.21 Compensatory professional considerations.
881.22 Ecclesiastical indorsement.
881.23 The chaplain candidate program.

Subpart F—Appointment of Physicians, Dentists, Veterinarians, Nurses, and Medical Specialists

881.24 Application.
881.25 General qualifications for appointment.
881.26 Doctors of medicine.
881.27 Doctors of dentistry.
881.28 Doctors of veterinary medicine.
881.29 Nurses.
881.30 Medical specialists.

Subpart G—Appointment of Officers in Medical Service, USAF

881.31 Application, processing, and selection.
881.32 Medical Administrative Officers (AFSC 9021).
881.33 Medical Supply Officer (AFSC 9031).
881.34 Pharmacy Officer (AFSC 9051).
881.35 Optometry Officer (AFSC 9061).
881.36 Sanitary and Industrial Hygiene Engineer (AFSC 9121).
881.37 Medical Entomologist (AFSC 9131).
881.38 Clinical Laboratory Officer (AFSC 9151).
881.39 Aviation Physiologist (AFSC 9161).
881.40 Health Physicist (AFSC 9171).
881.41 Clinical Psychologist (AFSC 9181).
881.42 Psychiatric Social Worker (AFSC 9191).

AUTHORITY: The provisions of this Part 881 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 591, 593, 8067, 8353, 8358, 8359, and 8444.

SOURCE: AFM 36–5, February 5, 1964.

Subpart A—General

§ 881.1 Purpose.

Sections 881.1 to 881.42 state the policies and procedures that govern the direct appointment of commissioned officers as Reserves of the United States Air Force or as commissioned officers in the United States Air Force. They explain the method of application, eligibility requirements and where to apply for appointment.

§ 881.2 Duration of appointment.

All Reserve of the Air Force appointments are for an indefinite term. All United States Air Force (temporary) appointments effected during a war or emergency will continue unless sooner terminated, for the duration of such war or emergency and for 6 months thereafter.

§ 881.3 Temporary appointments.

Appointments in the United States Air Force without component (temporary) will be made only in accordance with special instructions issued by the Chief of Staff, United States Air Force.

§ 881.4 Responsibility.

(a) The Chief of Staff, United States Air Force, will make all of the following selections, except as may be otherwise delegated:

(1) Final selections for appointment in grades above Captain.

(2) All selections for appointment of persons designated to perform medical, dental, and allied specialist duties.

(3) All selections and appointments of former officers of the Regular Air Force.

(b) The Commander, Continental Air Command, will be responsible for the selection and appointment of Chaplins and all other personnel unless otherwise specified in this part or other procurement directives.

(c) The Commander, Air Training Command, will be responsible for the selection and appointment of Judge Advocate officers to meet active duty requirements.

(d) The Commanders delegated responsibility under this section will implement this part. They may determine administrative procedures necessary to accomplish the required procurement objectives and insure that only properly qualified persons are tendered appointments.

§ 881.5 Delegation of authority.

Commanders responsible for implementing this part may delegate to sub-

ordinate commanders, not below the equivalent of numbered Air Force level, such authority granted to them as they may consider appropriate in carrying out the provisions of this directive. Subordinate commanders may not redelegate such authority. Upon request of the responsible commander, other major air commanders will assist in the implementation of this part.

§ 881.6 Procurement objectives.

(a) Appointments will be made in such numbers, grades, and Air Force specialties as may be required and authorized from time to time by the Chief of Staff, United States Air Force. These authorizations will constitute procurement objectives and will establish quotas by number, grade, and Air Force specialty for all officers to be appointed.

(b) Persons selected for appointment must be fully qualified in accordance with criteria contained in this part and/or other directives. Procurement objectives will not be approved solely to permit the appointment of named persons. Appointment is not assured merely by reason of meeting the established requirements. Only those persons who are best qualified will be appointed.

(c) Appointments tendered in accordance with this part will be made to fill authorized Ready Reserve position vacancies or active duty requirements unless otherwise provided in this part.

(d) Outstanding persons in business, scientific, professional, or technical fields who do not meet eligibility criteria, but who have demonstrated through their civilian occupation that they are outstanding in their respective fields, may be appointed upon approval of the Secretary of the Air Force. Generally they must have attained such prominence in their field or specialty as to be nationally known.

Subpart B—Eligibility Requirements

§ 881.7 Who may apply for appointment.

(a) *Eligible personnel.* Except for persons who are ineligible under § 881.8, qualified persons, with or without prior military service, are eligible to apply for appointment under this part. This includes all members of the Air Force Reserve seeking appointment in a grade higher than that presently held, provided that, in the case of officer applicants, they are not serving on extended active duty. Appointments will be made only to meet procurement objectives as authorized in § 881.6 or other directives, except for those persons referred to in paragraph (b) of this section.

(b) *Former officers of the Regular Air Force.* (1) An officer of the Regular Air Force who is separated honorably by reason of unqualified resignation and has a remaining service obligation, may be separated contingent upon acceptance of a Reserve appointment in grade to which entitled. The appointee will then be initially assigned to the Ineligible Reserve Section, Air Reserve Records Center, Continental Air Command, in a Ready Reserve Status.

(2) A former officer of the Regular Air Force, who has no service obligation and is separated honorably by reason of unqualified resignation, may at the time of tender of resignation or upon written application submitted within 1 year subsequent to discharge request an appointment as a Reserve Officer of the Air Force. Upon approval of the Chief of Staff, United States Air Force, personnel appointed under this authority will be initially assigned to the Non-Affiliated Reserve Section, Air Reserve Records Center (CONAC), in a Standby status, unless he applies for a Ready Reserve mobilization assignment in accordance with AFM 35–3 (Air Reserve Forces Personnel Administration).

(3) A former officer of the Regular Air Force who submits a written application for appointment as a Reserve officer of the Air Force within 1 year but subsequent to 90 days after discharge, must submit those documents required by § 881.13(a) (1), (2), (3), (4), (5), (6), (7), (11), and (12). Applications will be submitted direct to the Director of Military Personnel, Hq USAF (AFPMPJC2), Washington, D.C., 20333.

(4) Appointment may be made in the grade in which serving at time of discharge. Constructive service appropriate for the grade will be awarded based on length of active Federal commissioned service and education where applicable. In the event an applicant does not have the length of service which would permit the crediting of sufficient constructive service for Reserve appointment in the active duty grade, satisfactory performance in the active duty grade constitutes the basis for the award of the minimum amount of constructive service appropriate to the Reserve grade as indicated in the table at the end of this paragraph. Constructive service possessed by an applicant that is in excess of that required for the grade in which appointed will be awarded as service in grade and identified as a promotion service date (PSD). No individual will be appointed as a Reserve officer in the grade higher than that in which he served on active duty. Accordingly, constructive service credit in excess of the maximum authorized for the active duty grade will not be awarded regardless of length of actual service. For example, an applicant whose highest active duty grade was captain must be awarded at least seven but less than 14 years constructive service.

CONSTRUCTIVE SERVICE

When active duty grade is:	*Minimum years of constructive service are*
First Lieutenant	3
Captain	7
Major	14
Lieutenant Colonel	21
Colonel	23

(c) *Former Reserve officers of any of the services.* Former Reserve officers of any of the services may be appointed in any specialty for which they are qualified and for which there is a procurement quota. Former Reserve officers may not be tendered appointments based solely on prior service.

§ 881.8 Persons ineligible to apply.

The following persons are ineligible to apply for appointment as Reserve officers of the Air Force under this part:

(a) Commissioned officers of the Armed Forces serving on active duty, except as provided in Subpart D of this part.

(b) Persons who have previously made application for appointment under this part, and whose appointments have been denied by reason of nonqualification, are ineligible to apply for appointment for 12 months from the date of notification of previous rejection.

(c) Persons who have been eliminated from training programs leading to a commission as an officer, except as otherwise provided in this section:

(1) Who resigned or were dismissed from officer training programs of the Army, Navy, or Air Force because of military inaptitude, indifference, undesirable traits of character, or disciplinary reasons. Superintendents of military academies and commanders of Officer Training Programs may recommend waivers to the Secretary of the Air Force in exceptional cases.

(2) For lack of academic progress or a breach of the Honor Code; their applications will be referred to Director of Military Personnel Hq USAF (AFPMPJC2), for review.

(3) From a civilian operated military institution by the educational authorities because of minor violations of the institution's Honor Code; their applications will also be referred to Director of Military Personnel, Hq USAF (AFPMPJC2).

(4) No individual may be appointed as an officer until after the date of graduation of the class from which he has been eliminated.

(d) Persons who are conscientious objectors. Conscientious objectors may be defined as noncombatants or persons who for conscience sake object to warfare, military service, or the legitimate use of military weapons.

(e) Persons who admit or whose records show, or it is reasonably believed, that they have at any time engaged in any of the activities set forth in AFR 35–62 (Security Program).

(f) Persons having a record of conviction by any type of military or civil court for other than a minor traffic violation. Such personnel, however, may request the commander responsible for implementation of this part to consider granting a waiver in the case of other minor violations which are nonrecurrent and which are not considered prejudicial to performance of duty as an officer. Any request for waiver under this paragraph must be submitted by the applicant with his application, stating fully the circumstances of the case. Each request for waiver will be considered on its own merit.

(g) Former officers, warrant officers, or enlisted personnel of any of the Armed Forces who were discharged under conditions other than honorable, who were released from military service by reason of unsatisfactory service, or who were discharged from the Reserve under the provisions of AFRs 45–40 (Discharge of

Officers of the AF Reserve by Reason of Misconduct or Inefficiency), 45–41 (Administrative Separation of Officer Members of the AF Reserve (paragraphs 20 through 32)), 45–43 (Administrative Discharge of Airmen Members of the AF Reserve (paragraphs 15 through 28)), or similar directives of the Armed Forces.

(h) Former officers who resigned their commissions in lieu of courts-martial, reclassification, or elimination from the service.

(i) Officers separated or who resigned in lieu of separation under the following statutes:

(1) Title I, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (formerly 10 U.S.C. 8781 and 8786, now repealed and superseded by subparagraph (6) of this paragraph).

(2) Section 514, Officer Personnel Act of 1947 (61 Stat. 902, formerly 10 U.S.C. 941a, now superseded) or 10 U.S.C. 8303.

(3) Section 23, National Defense Act (39 Stat. 181, formerly 10 U.S.C. 484a, now superseded) or 10 U.S.C. 8814.

(4) Section 249, Armed Forces Reserve Act of 1952 (66 Stat. 495, formerly 50 U.S.C. 992, now superseded) or 10 U.S.C. 1163.

(5) Section 509(b), 518(b), 522, 523, 524, and 525, Reserve Officer Personnel Act of 1954 as amended (68 Stat. 1174, 1178, 1180, formerly 50 U.S.C. 1339, 1348, 1350, 1352–1355, now superseded), 10 U.S.C. 8819, 10 U.S.C. 8377, or 10 U.S.C. 8843–8852.

(6) 10 U.S.C. Chapter 859 or 860 (10 U.S.C. 8781–8787 or 8791–8797).

(j) A female applicant who is the parent by birth or adoption of a child under 18 years of age for whom she has personal or legal custody; is the stepparent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or has personal custody of any child under 18 years of age.

(k) Persons who will not be available for active duty within 30 days:

(1) From date of acceptance of appointment, for those persons whose appointments depend upon immediate entry on active duty.

(2) From date of issuance of orders calling that person to active duty in time of war or national emergency hereafter declared by the President or by Congress, or when otherwise authorized by law for those persons whose appointments are based upon Air Force Reserve requirements and not upon immediate entry on active duty.

(3) Because of being principally engaged or employed in key positions in essential civilian or government activities related to the defense effort.

(4) Because of undergoing apprenticeship training in critical civilian occupations.

(l) Persons who have been ordered to report for pre-induction medical examination or other appropriate processing usually conducted immediately preceding induction under the Selective Service Act or Universal Military Training and Service Act, and persons classified 1–A unless they obtain statements from their Selective Service Boards that they are not scheduled for induction within the following 120 days. Persons who have applied and who subsequently are classified 1–A may remain eligible for consideration until the date of notification to report for induction at which time they become ineligible for further consideration or appointment.

(m) Persons who at the time they reach 60 would not be eligible for retired pay.

§ 881.9 Moral requirements.

Applicant must possess high moral character and personal qualifications.

§ 881.10 Citizenship requirements.

An officer appointed as a Reserve of the Air Force under this part must at the time of appointment be a citizen of the United States. Applicants who are not citizens of the United States by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number _____or certified copy of court order establishing citizenship stating that_____
(Full name)
_____was admitted to United States citizenship by the Court of_____
(District or county)
_____ on _____
(State) (Date)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances.

19 U.S.C. 1426(h) provides that "whoever, without lawful authority, prints, photographs, makes or executes a print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

§ 881.11 Medical requirements.

All applicants must be medically qualified, or medically acceptable with waiver for Air Force commission. A report of medical examination will be accomplished not more than 90 days prior to the date of application. Medical examination will include serology, chest X-ray, audiogram determination, microscopic urinalysis, lens correction, and for persons over 40 years of age, an electrocardiogram.

(a) Except for female applicants, medical examinations will be without expense to the Government. Female applicants for commission may be examined by qualified civilian physicians where no military examining capability exists. Funds provided for the operation of the USAF Recruiting Service will be used for this purpose. Travel performed in connection with medical examinations will be without expense to the Government.

§ 881.12 Age, education, experience, and grade requirements.

(a) *General.* An applicant must possess the minimum educational and experience requirements for appointment as specified herein for the particular specialty for which applying. Normally, the minimum educational requirements for appointment will be a baccalaureate degree in the field of study appropriate to the specialty for which applying. However, a few specialties may specify an educational requirement less than a baccalaureate degree. In these instances at least 2 years of college (60 semester hours or the equivalent) and 1 year of qualifying experience substituted for each year of college study required to qualify for the appropriate baccalaureate degree, will be minimum. Experience thus applied must be experience gained and evaluated as defined in paragraph (d) of this section.

(b) *Age.* By law no person will be appointed as a Reserve officer of the Air Force who is under the age of 18 years. Female applicants will not be appointed under the age of 21 years, except nurses, who may be appointed as second lieutenants at age 20. Females with no prior military service will not be appointed after they reach 35 years of age, unless they possess unusual qualifications. Females may not be appointed in a grade above lieutenant colonel. The following table, showing the maximum age for grade, will apply for appointments made under this part unless otherwise indicated.

Grade:	*Year*
Second lieutenant	Less than 28
First lieutenant	Less than 34
Captain	Less than 40
Major	Less than 46
Lieutenant colonel	Less than 51
Colonel	Less than 56

(c) *Education.* Only that education above high school level gained at an accredited institution will be acceptable for purposes of this part. Institutions recognized for credit under this part must have national or regional accreditations as listed in the Education Directory, Part 3, published by the Office of Education, Department of Health, Education, and Welfare. The persons whose credits are from other than a nationally accredited institution will be considered as meeting the educational requirements of this part upon presentation of evidence that their credits are acceptable for unconditional admission into the graduate school of, or for full transfer to, a nationally or regionally accredited college or university, except as otherwise provided in this part.

(d) *Experience.* Only that experience related to the specialty for which applying, gained through full-time employment in a responsible position, will be acceptable for the purpose of this part. Except as otherwise provided herein, no experience will be acceptable unless the applicant has completed a minimum of 12 months employment. In cases where an applicant's record of experience gained through employment is questionable, a statement from the applicant's employer will be obtained.

(e) *Grade.* The education possessed by an applicant that is pertinent to the specialty, will be converted to constructive credit by years as indicated in the following table.

Degree:	Years of constructive credit
Baccalaureate degree	0
Master's degree	1
Doctor of philosophy	3
Bachelor of divinity	3
Bachelor of laws, Doctor of Veterinary Medicine, or equivalent degree	3
Doctor of Medicine or Dentistry	4

Total experience by year, month, and day possessed by an applicant on the date of application that is pertinent to the specialty and in excess of that required by the specialty for appointment as second lieutenant, will be converted to constructive service by year, month, and day, on a day-for-day basis. The constructive education and experience credit thus possessed by an applicant on the date of application, will then be applied in accordance with the following table to determine the grade in which the applicant may be appointed.

Required combined education and experience constructive credit:	Grade
Less than 3 years	Second Lieutenant.
At least 3 years but less than 7 years.	First Lieutenant.
At least 7 years but less than 14 years.	Captain.
At least 14 years but less than 21 years.	Major.
At least 21 years	Lieutenant Colonel.

Appointment to the grade of colonel may, upon approval of the Chief of Staff, USAF, be tendered to those applicants who have more than 23 years of combined education and experience, and who have not reached their 56th birthday.

(f) *Award of constructive service.* (1) The constructive credit possessed by an applicant is the amount of education (paragraph (c) of this section) and experience (paragraph (d) of this section) credited for appointment and will be awarded as service in an active status and identified as total years service date (TYSD).

(2) The constructive credit possessed by an applicant that is in excess of that required for the grade in which appointed, but less than that required for the next higher grade, will be awarded as service in grade and identified as a promotion service date (PSD). When the applicant does not possess constructive credit in excess of the grade in which appointed, a promotion service date of "O" will be awarded.

(3) Persons with present or prior creditable commissioned service will be credited with such service subsequent to the determination of a grade in accordance with paragraph (e) of this section. Accordingly, such prior commissioned service will be added to the amount of constructive service awarded, except that in no case will any service be counted more than once in determining a TYSD.

(4) Persons with prior commissioned service creditable, except for physicians and dentists, for promotion service under 10 U.S.C. and its implementing regulations, which is in a grade equal to or higher than the grade awarded under this part, will be credited with this prior time in grade. Accordingly, such former promotion service will be added to the amount of constructive service awarded for promotion service, except that in no case will any commissioned service be counted more than once in determining a PSD. For PSD determination, doctors of medicine or doctors of dentistry appointed in the Air Force Medical Service to perform duties as medical or dental officers may not be credited with less than 4 years service, and physicians who have completed an internship will be credited with not less than 5 years. All additional periods of professional experience subsequent to date of graduation from medical school or dental school, but prior to the date of actual appointment in the Medical Corps or Dental Corps, may be credited. In any event, only that amount of service awarded for professional education, and experience gained subsequent to graduation from medical or dental school, will be considered in establishing a PSD for physicians and dentists. Prior commissioned service will not be credited for computation of PSD unless the prior commissioned service was in the Medical Corps or Dental Corps of one of the military departments now included in the Department of Defense.

(g) *Computing TYSD, PSD, and TFCSD.* The amount of service awarded to total years of service and promotion service, respectively, by year, month, and day will be subtracted from the date of acceptance of appointment to determine the TYSD and the PSD. All prior commissioned service possessed by an applicant on the date of acceptance of a new appointment will be subtracted from such date of acceptance to determine the total Federal commissioned service date (TFCSD). For persons without prior commissioned service, the TFCSD will be the date of acceptance of appointment. These three dates will be entered on the file copy of the appointment documents and on basic records as TYSD, PSD, and TFCSD, respectively.

Subpart C—Application and Processing Procedures

§ 881.13 Method of application.

(a) The documents in subparagraphs (1) through (16) of this paragraph properly completed, constitute the application and allied papers. In assembling the application prior to forwarding, the requirements listed in subparagraphs (1) through (15) of this paragraph will be used as a checklist to insure that all necessary information and papers have been included, thus precluding delays which would result from the return of incomplete applications:

(1) AF Form 24, "Application for Appointment in the United States Air Force Reserve," in triplicate. In the upper right corner of the AF Form 24, applicant will specify the specialty for which application for appointment is being made.

(2) Original or photostat of honorable discharge certificate or certificate of service, a copy of the orders effecting discharge, and statement of service when applicable. In the case of Judge Advocate appointees, a copy of the individual's certificate of graduation from an accredited law school and a copy of his certificate of admission to the bar of a Federal court or the highest court of a state, as applicable, will be forwarded to The Judge Advocate General, Hq USAF.

(3) Completed Standard Form 88, "Report of Medical Examination," in duplicate, and completed copy of Standard Form 89, "Report of Medical History."

(4) Five copies of DD Form 398, "Statement of Personal History," with detailed chronological statement of employment attached.

(5) DD Form 98, "Armed Forces Security Questionnaire," (2 copies) as required by AFR 35–62.

(6) Completed FBI Applicant Fingerprint Card (2 copies).

(7) Two copies of documentary evidence of education level in the form of transcripts of college work. Graduates of recognized colleges of dentistry, medicine, optometry, pharmacy, and veterinary medicine, may submit two photostatic or certified copies of college diploma in lieu of transcript of college work.

(8) AF Form 125, "Application for Extended Active Duty With the United States Air Force," in duplicate, for those persons whose appointments are contingent upon immediate entry on active duty. Medical Service applicants will submit AF Form 99, "Application for Extended Active Duty With the USAF Medical Service," or AF Form 100, "Application for Extended Active Duty With the USAF Medical Service Corps," in lieu of AF Form 125.

(9) Conditional release from other Armed Force or component in which appointment is currently held, where applicable.

(10) A certificate similar to the following except for applicants for appointment under Subpart E of this part:

I certify that I have not been ordered to report for pre-induction medical examination (or other appropriate processing usually conducted immediately preceding induction under the Selective Service Act or subsequent Universal Military Training and Service Act). After submitting application for appointment as Reserve officer of the Air Force, I further understand that any appointment, enlistment, or order to active military service in a branch of the service other than the Air Force automatically renders me ineligible to accept an appointment as a Reserve officer of the Air Force.

(11) Any other documents or information the applicant may desire to submit as evidence of his qualifications for appointment under this part.

(12) For a person who is a civilian employee of the Federal Government, a "Certificate of Availability of Federal Employee," as required by AFM 35–3.

(13) The following statement, for those persons whose appointments are not contingent upon immediate entry on active duty:

I hereby apply for a Ready Reserve mobilization assignment. In the event national emergency conditions require the issuance of active military service order at some future date, I agree that I will not request a delay in the reporting date specified in such orders except for hardship reasons. It is also my understanding that, under current Air Force policy, I will normally be given 30 days' ad-

vance notification prior to being required to report for active military service. However, I further understand that this advance notification policy may be discontinued when military conditions, as determined by the Secretary of the Air Force, require such suspension in the interest of national security, and that I may be ordered to report for active military service immediately under such circumstances.

(Signature).

(14) Persons applying for appointment under Subparts D, E, F, or G of this part must submit additional documents as listed in those subparts, respectively.

(15) Male applicants who have not attained their 26th birthday and who have had no prior military status, must submit the following statement:

In the event I am tendered an appointment as a Reserve officer of the Air Force, I understand that upon acceptance of appointment I am required by law to serve on active duty and in a Reserve component for a total of 6 years unless sooner discharged on grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense. I understand that, although the appointment is tendered and accepted for an indefinite term, my obligated service will be for a period of 6 years. Of the time required to be served in the Air Force Reserve, I understand that the first 5 years of this 6-year period must be served as a combination of active duty plus Ready Reserve service. The remaining time required to complete 6 years may be as a Standby Reservist. I further understand that, while I am a Ready Reservist I will be required by law to participate in not less than 48 scheduled drills or training periods annually, and perform not more than 17 days of active duty for training each year, or to perform annually not more than 30 days of active duty for training. I understand that, if in any year I fail to perform such training duty satisfactorily as determined by the Secretary of the Air Force, I may be ordered, without my consent, to perform additional active duty for training for not more than 45 days. If such failure occurs during the final years of any period of obligatory membership in the Ready Reserve, I understand that such membership will be extended for such time, not exceeding 6 months, as may be required for performance of such additional active duty for training.

(16) AF Form 1288, "Application for Reserve Assignments," and a statement from the commander of the Ready Reserve unit that a vacancy exists within the unit and the appointment of the applicant is requested to fill the existing vacancy, for those whose appointment is for inactive duty.

(b) *Submission of application.* Applications and allied papers will be forwarded as follows:

(1) Persons applying for appointments in Judge Advocate General's Department under Subpart D of this part:

(i) Individuals seeking initial appointments as Judge Advocates will submit applications through the USAF Recruiting Offices to the Commander, Air Training Command.

(ii) Officers not on extended active duty who apply for reappointment as Judge Advocates will submit applications directly to the Air Reserve Records Center, 3800 York Street, Denver, Colorado.

(2) Persons applying for appointment as Chaplains under Subpart E of this part: Direct to the Commander, Continental Air Command.

(3) Persons applying for the appointment as officers to perform medical, dental, veterinarian, medical service corps, nursing, and medical specialist duties under Subparts F and G of this part: Direct to the Surgeon General, Hq USAF (AFMSM), Washington, D.C., 20333. Officers on active duty who apply for reappointment to a medical service specialty and vice versa will submit application through command channels.

(4) Former officers of Regular Air Force: Direct to the Director of Military Personnel, Hq USAF (AFPMPJC2).

(5) Reserve officers of other branches of the Armed Forces applying for appointment: Through the unit commander having an assignment direct to the Air Reserve Records Center, Continental Air Command, 3800 York Street, Denver, Colorado.

(6) All others: Direct to the Commander, Continental Air Command, or, if residing overseas, to the major air commander having jurisdiction over the area in which the person is located.

§ 881.14 Security certificate.

Each applicant will be required to comply with the provisions of AFR 35–62. The completed forms will be affixed to the application.

§ 881.15 Testing.

(a) Each applicant, with the exception of those covered in § 881.13(b) (1), (2), (3) (Medical Service Corps applicants excluded), and (4), will be administered the Air Force Officer Qualifying Test in accordance with current and appropriate instructions for administering and scoring of the AFOQT battery, to derive the following aptitudes:

(1) Officer quality.
(2) Observer technical aptitude.
(3) Verbal aptitude.
(4) Quantitative aptitude.

(b) The Air Force Officer Qualifying Test will be administered by a properly designated test control officer. Any applicant who does not attain the minimum qualifying stanine score on the Officer Quality portion of the test will not be further processed. A certified document of aptitude scores will be attached to the application for those successfully completing the AFOQT.

§ 881.16 Disqualified applicants.

Persons who are found not qualified for appointment will be notified of their nonselection.

Subpart D—Appointment of Judge Advocate Officers

§ 881.17 Application.

In addition to the documents required by § 881.13(a), persons applying for appointment as Reserves of the Air Force, Judge Advocate General's Department, must submit the following:

(a) A certificate from proper authority showing admission to and present standing at the bar of a Federal court or of the highest court of a State.

(b) An affidavit from the applicant containing a chronological statement of his full legal experience. Legal experience may include governmental, judicial, teaching, military legal experience, and private practice.

(c) For officers applying for reappointment as Judge Advocates, a statement that the applicant understands that:

(1) Upon reappointment his current Reserve commission will be vacated;

(2) His service credit will be subject to recomputation as provided in § 881.12;

(3) His TYSD and PSD will be adjusted accordingly; and

(4) The additional constructive service credit awarded counts toward mandatory transfer to the Retired Reserve under 10 U.S.C. 863, as well as for appointment and promotion purposes under 10 U.S.C. 837.

§ 881.18 Professional qualifications.

Applicants possessing the following professional qualifications for the grade concerned and who are otherwise qualified, may apply for appointment as a Reserve of the Air Force, Judge Advocate General's Department.

(a) *First lieutenant.* For appointment as first lieutenant, the applicant must meet the age for grade requirements as established by § 881.12(b), and be a graduate of an accredited law school and a member of the bar of a Federal court or of the highest court of a State. A graduate of an accredited law school may apply for appointment prior to admission to the bar provided that such applicant will not be tendered an appointment until documentary evidence has been submitted showing admission to the bar. Seniors in attendance at an accredited law school may apply for appointment on the basis of their current transcripts, but not more than 90 days prior to their scheduled date of graduation. Final transcripts must be submitted as soon as possible, and in no event will applicants be tendered an appointment until after graduation from law school and submission of both their final transcripts and evidence of admission to the bar.

(b) *Grade above first lieutenant.* For appointment in grades above that of first lieutenant, applicant must possess all the qualifications specified in paragraph (a) of this section for appointment as first lieutenant, and meet the age and legal experience requirements as specified in § 881.12. Normally, appointments will not be made in field grades except in those cases where the applicant has had that type of legal experience which, in the opinion of The Judge Advocate General, qualifies the applicant to satisfactorily perform judge advocate duties in the grade sought, in a legal specialty critically required by the Air Force.

§ 881.19 Appointment and reappointment.

(a) *Appointment.* The Commander, Air Training Command, is authorized to tender appointments in all grades up to and including captain, as Reserve officers of the Air Force, to eligible applicants upon the recommendation of a board of officers as reviewed and recommended by the Staff Judge Advocate. Appointments in grades above captain may be made by the Commander, Air Training Command, only after review and approval of the applicants' qualifications

by The Judge Advocate General, or his designee, for the Chief of Staff. Original appointments in this specialty are contingent upon the applicants' consent to immediate entry upon extended active duty and submission of AF Form 125, "Application for Extended Active Duty With the USAF."

(b) *Reappointment.* Subject to the applicable provisions of Subpart B of this part and this subpart, Reserve officers of the Air Force who are not in a deferred status under 10 U.S.C. 8368 may apply for reappointment as Judge Advocates under this part under the following conditions:

(1) The reappointment of applicants on extended active duty will be made by Hq USAF.

(2) The reappointment of applicants not on extended active duty will be made by the Commander, Air Reserve Records Center (CONAC).

(3) Officers in the permanent or temporary grade of colonel or below must have been designated as Air Force Judge Advocates or assigned to The Judge Advocate General's Department, USAF, on the effective date of this part and be designated at the time of application. Application must be made under this subparagraph (3) within one year of the effective date of this part.

(4) Officers below the permanent and temporary grade of major who otherwise qualify for appointment as Judge Advocates and who are not designated as Judge Advocates or assigned to The Judge Advocate General's Department, may submit applications at any time.

(5) Officers who are reappointed under the provisions of this paragraph will be credited with constructive service under 10 U.S.C. 8353, which service will count for appointment and promotion, and toward mandatory transfer to the Retired Reserve under 10 U.S.C. 863.

(6) Applicants on extended active duty must be in career Reserve status.

(7) The reappointment of applicants not on extended active duty, who have not served on extended active duty, is contingent upon the applicant's consent to immediate entry upon extended active duty and submission of AF Form 125, "Application for Extended Active Duty With the USAF."

(8) Officers holding Reserve grades lower than those which they would be entitled to by virtue of the additional constructive service credit are not eligible for reappointment.

(9) Reappointments in grades above captain may be made only after review and approval of the applicant's qualifications by The Judge Advocate General, or his designee, for the Chief of Staff.

Subpart E—Appointment of Chaplains

§ 881.20 Application for the Air Force chaplaincy.

(a) *General.* (1) Only qualified male persons will receive consideration for appointment to the Reserve of the Air Force as chaplains. Persons so qualified and appointed will be awarded the Air Force Specialty Code 8921.

(2) Applications will be considered for appointment only when military and denominational authorizations exist within the Reserve quotas allocated by the Chief of Staff, Hq USAF, to the Commander, Continental Air Command.

(b) *Application procedure.* (1) Individuals applying for appointment as Reserve officers of the Air Force with the specialty of chaplain, will submit their applications directly to the Commander, Continental Air Command, for selection and appointment.

(2) The applications must include all the applicable forms and documents listed in Subpart C of this part, plus the following (to be submitted in duplicate):

(i) Ecclesiastical indorsement.

(ii) Certified scholastic transcripts.

(c) *Qualifications and requirements—*(1) *Age and grade.* (i) Maximum age and grade for appointment of chaplains will be:

Less than 34 years..... First Lieutenant.
Less than 40 years..... Captain.

(ii) In times of national emergency or war, or when a continuing serious shortage of Air Force chaplains exists within a denomination, the Chief of Air Force Chaplains may grant age waivers not to exceed the maximum age of appointment by 3 years.

(2) *Educational requirements.* Minimum educational requirements for appointment in the officer specialty of chaplain are:

(i) 120 semester hours of undergraduate study at an accredited or recognized institution of learning listed in the "Education Directory, Part 3, Higher Education," as published by the U.S. Department of Health, Education, and Welfare, Washington, D.C.

(ii) 90 semester hours of graduate theological study at an accredited or recognized theological seminary listed in the current "Bulletin" of the American Association of Theological Schools in the United States and Canada.

(3) *Appointment in the grade of first lieutenant.* Applicants may be initially appointed in the grade of first lieutenant if they do not exceed the age of 33 years and can qualify for one or the other of the following constructive service credit categories:

(i) Have completed 3 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have had a minimum of 2 years of active professional experience as a minister, priest, or rabbi.

(ii) Have completed 4 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have had a minimum of 1 year of active professional experience as a minister, priest, or rabbi.

(4) *Appointment in the grade of captain.* Applicants may be initially appointed in the grade of captain if they do not exceed the age of 39 years and can qualify for one or the other of the following constructive service credit categories:

(i) Have completed 3 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; have had a minimum of 4 years of active professional experience as a minister, priest, or rabbi.

(ii) Have completed 4 years of graduate study in an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have had a minimum of 3 years of active professional experience as a minister, priest, or rabbi.

§ 881.21 Compensatory professional considerations.

Applicants from religious denominations which do not operate accredited or recognized theological seminaries are unable to qualify for the theological requirements of § 881.20(c)(2)(ii). However, if such denominations have at least 5,000 constituents (enlisted and officer personnel) on active duty in the Air Force, applicants may receive compensatory professional recognition by the Chief of Air Force Chaplains if they:

(a) Have earned a minimum of 120 semester hours of undergraduate work in an accredited or recognized institution of learning in the United States of America or Canada.

(b) Have earned a minimum of 90 semester hours of postgraduate work either in the social sciences, the humanities, or in Christian theology (or a combination of all three) at an accredited or recognized institution of learning.

(c) Have attained full ordination status according to the terminology and requirements of their particular denomination.

(d) Have had a minimum of 2 years of active professional experience as an authorized functionary in their respective denominations.

(e) Are actively engaged in their religious vocation at the time of appointment.

§ 881.22 Ecclesiastical indorsement.

Applicants must include in their application a valid "Ecclesiastical Indorsement" from their denominational indorsing agency. The "Ecclesiastical Indorsement" will be considered valid only if it has been issued by a religious indorsing agency which has been formally recognized by the Armed Forces Chaplains Board of the Department of Defense. The appropriate indorsing agency must certify in the "Indorsement" that the applicant:

(a) Is a fully ordained minister, priest, or rabbi of the denomination the agency is legitimately authorized to represent, giving date, month, year, and place of applicant's ordination.

(b) Is professionally qualified and authorized to be appointed as a Reserve officer of the Air Force, with the specialty of chaplain.

(c) Is authorized to enter on extended active duty in the active establishment of the Air Force.

(d) Is engaged in the full-time pursuit of his religious vocation.

(e) Has fulfilled the required years of active professional qualifying experience.

§ 881.23 The chaplain candidate program.

(a) In addition to being otherwise qualified, applicants seeking appointment as chaplain candidates must:

(1) Have satisfactorily completed a minimum of 120 semester hours of undergraduate study at an accredited or recognized college or university as outlined in § 881.20(c)(2)(i).

(2) Be enrolled in the second year of study in an accredited or recognized theological seminary or school of religion as outlined in § 881.20(c)(2)(i) and (ii).

(3) Possess the potential professional qualifications required for chaplains as stated in § 881.20.

(4) Secure ecclesiastical approval to enter the Chaplain Candidate Program from the endorsing agency of the denomination under whose auspices he will qualify himself as a fully ordained minister, priest, or rabbi.

(b) *Procedure.* The application procedure established in Subparts C and E of this part will apply in the case of a chaplain candidate except:

(1) AF Form 125, "Application for Extended Active Duty With the United States Air Force," will not be accomplished or submitted.

(2) The application will include a statement of ecclesiastical approval signed by the applicant's ecclesiastical endorsing agent.

(c) *Appointment.* The appointment of a chaplain candidate is contingent upon a military authorization and a denominational quota vacancy as determined by the Commander, Continental Air Command.

(1) Theological students whose applications for appointment as chaplain candidates have been approved, will be commissioned in the grade of second lieutenant and will be awarded AFSC 8921. At the time of appointment, each student will be required to sign the following certificate, which will become a part of his permanent file:

I understand that to retain my commission as a Reserve officer of the Air Force I must successfully complete a minimum of 90 semester hours of graduate theological study at an accredited or recognized seminary. I further understand that failure to complete this theological training satisfactorily may result in the termination of my commission as a Reserve officer of the Air Force. (Authority: 10 U.S.C. 1162.) Upon meeting the qualifications as outlined in paragraph 24c (3), AFM 36-5, I will submit an application for appointment in the grade of first lieutenant, Reserve of the Air Force, with duty designation as a chaplain. I agree to serve a minimum of 3 full years on extended active duty as a chaplain if a quota for my denomination exists and if my services are required by the Department of the Air Force. If I am not ordered to extended active duty, I agree to apply for a Reserve assignment and serve for a minimum of 3 years unless called to extended active duty sooner. In the event I am ecclesiastically ordained but not commissioned as a chaplain, I understand that my commission will be terminated under appropriate directives and Public Law.

(Signature of applicant)

(2) Submission of application: Applications, with allied documents, will be submitted direct to the Commander, Continental Air Command, for final review, approval, and appointment.

(d) *Title of chaplain candidates.* Chaplain candidates, when in military status, will be addressed as "Lieutenant" and will indicate their written title as:

2d Lt, AFRes
Chaplain Candidate

Chaplain candidates will not wear the chaplain insignia.

(e) *Termination of chaplain candidate status.* (1) The status of a chaplain candidate will be in force until his theological training has been completed, ordination rites have been conferred, and the candidate fully meets the requirements for appointment as an Air Force chaplain in accordance with the provisions of this part.

(2) A chaplain candidate's commission will be terminated under 10 U.S.C. 1162 if he fails to complete the required theological studies, or does not qualify as a chaplain under the provisions of § 881.20(c)(3), or is not appointed in the grade of first lieutenant, Reserve of the Air Force, with duty designation as a chaplain, or if his ecclesiastical approval is withdrawn.

Subpart F—Appointment of Physicians, Dentists, Veterinarians, Nurses, and Medical Specialists

§ 881.24 Application.

Persons applying for appointment as Reserve officers of the Air Force in fields of medicine, dentistry, veterinary medicine, nursing, and medical specialties, may submit applications in accordance with § 881.13(b)(3). In addition to the documents required by § 881.13(a), each applicant must submit:

(a) AF Form 17A (Triplicate), "Supplement to Application for Commission in the United States Air Force—Medical Service."

(b) Two photostats of license to practice. Nurses must have active registration in at least one of the States or in the District of Columbia. Applications may be submitted prior to actual receipt of license, provided evidence of satisfactory completion of examination for licensure is included with the remainder of the documents requested. In addition, nurse anesthetists must have documentary evidence of current certification by the American Association of Nurse Anesthetists.

(c) Nurses must submit two photostatic or certified copies of both diploma and transcript of grades from schools of nursing and/or college or university.

(d) A recent 3 x 5-inch photograph.

§ 881.25 General qualifications for appointment.

(a) The appointment of persons who possess professional and technical qualifications and who are otherwise qualified, will be based on criteria established for each specialty. Waiver of the maximum age requirement may be granted by the Chief of Staff, USAF, for the appointment of persons concurrently requesting extended active duty.

(b) A reserve first lieutenant or captain of the Medical or Dental Corps entering on active duty shall be appointed to the grade of captain (temporary) effective the date of entry on active duty with date of rank as of date of graduation from medical or dental school, as appropriate. The temporary appointment to the grade of captain is contingent upon the individual's entry on active duty.

(c) Nurses commissioned as Reserve of the Air Force officers (NC) may be credited with all full-time nursing experience, subsequent to graduation from a school of nursing.

§ 881.26 Doctors of medicine.

(a) *Appointment as first lieutenant.* (1) For appointment as first lieutenant, applicant must:

(i) Be a graduate of a medical school approved by the Surgeon General or of a foreign medical school, and furnish evidence of a permanent certification by the Educational Council for Foreign Medical Graduates or permanent and unrestricted licensure in a state, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory of the United States.

(ii) Have completed 1 year internship and be engaged in the ethical practice of medicine.

(iii) Possess a license to practice medicine in a state or in the District of Columbia or possess a diploma from the National Board of Medical Examiners.

(2) Waiver of license and actual engagement in practice may be made for graduates of approved medical schools and for those who have attained permanent certification by the Educational Council for Foreign Medical Graduates. Application for appointment must be made within 1 year after completion of internship or residency training, provided that formal postgraduate medical training has been continuous and uninterrupted since receipt of medical degree.

(b) *Appointment in higher grade.* For appointments in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following minimum additional professional experience, including internship, residency, fellowship, or other graduate study at a hospital, public health agency, school of public health, research institute, laboratory, medical college, recognized teaching center, or similar institution.

(1) Captain: Applicants must be engaged in the practice of medicine in environments normally associated with high professional standards. Applicants possessing these qualifications who have had 3 years of actual experience, are qualified for appointment in the grade of captain.

(2) Major: Applicants must have had a period of intensive postgraduate training in a medical specialty, sufficiently prolonged and of a caliber to insure the optimum in professional knowledge and technique, as judged by the standards normally associated with recognized teaching centers. Applicants, for direct appointment in the grade of major or higher, must ordinarily have been certified by one of the American specialty boards. Applicants possessing these qualifications who have had 10 years of actual experience are qualified for appointment in the grade of major.

(3) Lieutenant colonel: Applicants must have achieved such unequivocal prominence as to make them authorities in their field. Examples of such applicants are those persons who are outstanding contributors to scientific research and to the development of the specialty under consideration. Applicants possessing these qualifications who have had 17 years of actual experience are qualified for appointment in the grade of lieutenant colonel.

(4) Colonel: Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel and have had 25 years of actual experience are qualified for appointment in the grade of colonel.

§ 881.27 Doctors of dentistry.

(a) *Appointment as first lieutenant.* (1) For appointment as first lieutenant, applicants must:

(i) Possess a degree of doctor of dental surgery or doctor of dental medicine from a school of dentistry acceptable to the Surgeon General, USAF.

(ii) Possess a license to practice dentistry in a State or in the District of Columbia.

(iii) Actually be engaged in the ethical practice of dentistry.

(2) Waiver of license and actual engagement in practice may be made for graduates of approved dental schools, if application for appointment is made within 1 year after graduation or while undergoing appropriate postgraduate instruction or engaged in a dental internship.

(b) *Appointment in higher grades.* For appointment in higher grades, applicants must possess all the qualifications specified in paragraph (a) of this section for first lieutenant and have had the following additional minimum experience or training in environments normally associated with high professional standards:

(1) Captain: Applicants who possess the qualifications specified in paragraph (a) of this section for first lieutenant and have had 3 years of actual experience are qualified for appointment in the grade of captain.

(2) Major: Applicants must have had intensive postgraduate training in a dental specialty. Applicants for appointment in the grade of major or higher, ordinarily must have been certified by an American dental specialty board in the specialty for which such a board is constituted. Applicants possessing these qualifications who have had 10 years of actual experience are qualified for appointment in the grade of major.

(3) Lieutenant colonel: Applicants must have achieved such unequivocal prominence as to make them authorities in their particular fields. Examples of such applicants are those persons who are outstanding contributors to scientific research and to development of the dental specialty under consideration. Applicants possessing these qualifications who have had 17 years of actual experience are qualified for appointment in the grade of lieutenant colonel.

(4) Colonel: Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel and have had 25 years of actual experience are qualified for appointment in the grade of colonel.

(c) *Substituting graduate study for professional experience.* Graduate study in dentistry may be substituted for professional experience on a year-for-year basis, not exceeding 3 years.

§ 881.28 Doctors of veterinary medicine.

(a) *Appointment as first lieutenant.* (1) For appointment as first lieutenant, applicant must:

(i) Be a graduate of a school of veterinary medicine or veterinary surgery, approved by the Surgeon General, USAF.

(ii) Be licensed to practice veterinary medicine in a State or in the District of Columbia.

(iii) Be engaged in the ethical practice of veterinary medicine.

(2) Waiver of license and actual engagement in practice may be made for graduates of approved schools of veterinary medicine or surgery, if commissioned immediately upon graduation.

(b) *Appointment in other grades.* For appointment in other grades, applicants must, in addition to paragraph (a)(1) of this section, be qualified by minimum periods of acceptable professional experience as follows:

(1) Captain: Applicants must be engaged in the practice of veterinary medicine, a major portion of which must have been in environments normally associated with high professional standards. Applicants possessing these qualifications who have had 4 years of actual experience, are qualified for appointment in the grade of captain.

(2) Major: Applicants must give evidence of sufficient independent experience to indicate mature judgment and ability to function in the specialty without professional supervision. Applicants for appointment in grade of major or higher ordinarily must have been certified by an American Veterinary Specialty Board. Applicants possessing these qualifications who have had 11 years of actual experience are qualified for appointment in the grade of major.

(3) Lieutenant colonel: Applicants must give evidence of having achieved such unequivocal prominence as to make them authorities in their particular fields. Examples of such applicants are those persons who are outstanding contributors to scientific research, administrators, and contributors to the development of the specialty under consideration. Applicants possessing these qualifications who have had 18 years of actual experience are qualified for appointment in the grade of lieutenant colonel.

(4) Colonel: Applicants who have achieved the outstanding background and ability in a specialty as indicated in subparagraph (3) of this paragraph for lieutenant colonel and have had 25 years of actual experience are qualified for appointment in the grade of colonel.

§ 881.29 Nurses.

(a) *Appointment as second lieutenant.* For appointment as second lieutenant, applicants must be graduates of schools of nursing offering not less than a 3-year basic curriculum and which are acceptable to the Surgeon General, USAF, must be 20 years of age, and possess current registration in at least one of the States or in the District of Columbia. Applicants who have a baccalaureate degree in nursing or a nursing specialty may be granted one year of constructive service.

(b) *Appointment in other grades.* For appointment in other grades, applicants must, in addition to paragraph (a) of this section, be qualified by the indicated minimum number of years of professional experience and educational requirements as outlined:

(1) First lieutenant: (i) Three years appropriate professional experience, of which at least 6 months must have been spent in active nursing within the 12-month period prior to appointment, or

(ii) Two years appropriate professional experience and a baccalaureate degree in nursing or a nursing specialty, or

(iii) One year appropriate professional experience and a master's degree in nursing, a nursing specialty, or a field allied to nursing, or

(iv) Two years appropriate professional experience and qualified by examination as a nurse anesthetist by the American Association of Nurse Anesthetist, or

(v) One year appropriate professional experience, a baccalaureate degree in nursing or a nursing specialty, and qualification by examination as a nurse anesthetist by the American Association of Nurse Anesthetists. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than six years of service.

(2) Captain: Six years appropriate professional experience plus a baccalaureate degree in nursing or a nursing specialty, and 2 years of the required 6 years professional experience spent in a teaching and/or appropriate administrative position, or

(i) Five years appropriate professional experience plus a master's degree in nursing, a nursing specialty, or a field allied to nursing, and 2 years of the required 5 years professional experience spent in a teaching and/or appropriate administrative position, or

(ii) Six years appropriate professional experience, qualification by examination as a nurse anesthetist by the American Association of Nurse Anesthetists. Applicant must have had at least 12 months experience in the administration of anesthetics within the 2-year period immediately prior to appointment, or

(iii) Five years appropriate professional experience, a baccalaureate degree in nursing or a nursing specialty, and qualification by examination as a nurse anesthetist by the American Association

of Nurse Anesthetists. Applicant must have had at least 12 months experience in the administration of anesthetics within the 2-year period immediately prior to appointment. Applicants with more than 6 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service.

(3) Major and lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

§ 881.30 Medical specialists.

(a) *Dietitians.* (1) For appointment as second lieutenant, applicant must:

(i) Possess a bachelor's degree from an approved college or university.

(ii) Have completed an internship acceptable to the Surgeon General, USAF.

(2) Appointment in higher grades: For appointment in other grades, applicant must, in addition to subparagraph (1) of this paragraph, be further qualified by acceptable professional experience and training as follows:

(i) First lieutenant: A minimum of 2 years experience, one of which has been as dietitian in a hospital of 100 or more beds. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 6 years of service unless so authorized by the Surgeon General, USAF.

(ii) Captain: A minimum of 6 years experience including 3 years in administration of a dietetic department of a hospital of 100 or more beds. Applicants with more than 7 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service unless so authorized by the Surgeon General, USAF.

(iii) Major: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(iv) Lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(b) *Occupational therapists.* (1) For appointment as second lieutenant, applicant must:

(i) Possess a bachelor's degree from an approved college, university, or school.

(ii) Have completed an occupational therapy course acceptable to the Surgeon General, USAF.

(2) Appointment in higher grades: Applicant must possess all the qualifications in subparagraph (1) of this paragraph and be further qualified by acceptable professional experience and training as follows:

(i) First lieutenant: A minimum of 2 years professional experience in medical institutions. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of Captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 6 years of service unless so authorized by the Surgeon General, USAF.

(ii) Captain: A minimum of 6 years professional experience in medical institutions, 3 of which must have been in a supervisory or administrative capacity. Applicants with more than 7 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service unless so authorized by the Surgeon General, USAF.

(iii) Major: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(iv) Lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(c) *Physical therapists.* (1) For appointment as second lieutenant, applicant must:

(i) Possess a bachelor's degree from an approved college, university, or school.

(ii) Have completed a physical therapy training course acceptable to the Surgeon General, USAF.

(2) Appointment in higher grades: For appointment in other grades, applicant must, in addition to subparagraph (1) of this paragraph, be further qualified by acceptable professional experience and training as follows:

(i) First lieutenant: A minimum of 2 years professional experience in medical institutions. Applicants with more than 3 years of applicable experience who do not meet the qualifications for appointment in the grade of captain will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 6 years of service unless so authorized by the Surgeon General, USAF.

(ii) Captain: Minimum of 6 years professional experience in medical institutions, 3 of which must have been in a supervisory or administrative capacity. Applicants with more than 7 years of applicable experience will be given constructive service credit to which entitled under this part, except that in no case will the applicant be credited with more than 13 years of service unless so authorized by the Surgeon General, USAF.

(iii) Major: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(iv) Lieutenant colonel: Appointees will possess outstanding qualifications for special positions determined by the Surgeon General, USAF, as requirements necessitate.

(d) *Appointment for training.* Unmarried female applicants between 21 and 26 years may be appointed as second lieutenants and ordered to active duty to complete training in one of the following courses:

(1) Dietetic training: Applicant must possess a bachelor's degree and have been accepted for an approved dietetic internship.

(2) Occupational therapy training: Applicant must be enrolled in the final year of an approved course leading to a bachelor's degree in occupational therapy; or possess a bachelor's degree and have completed all but the final year of an approved certificate course in occupational therapy.

(3) Physical therapy training: Applicant must possess a bachelor's degree and have been accepted for an approved certificate course in physical therapy; or be enrolled in the final year of an approved course leading to a bachelor's degree in physical therapy.

Subpart G—Appointment of Officers in Medical Service, USAF

§ 881.31 Application, processing, and selection.

(a) Persons applying for appointment as a Reserve officer of the Air Force Medical Service Corps may submit application in accordance with § 881.13(b)(3). In addition to the documents required by § 881.13(a), each applicant must submit:

(1) A recent 3 x 5 inch photograph.

(2) Results of the Air Force Officer Qualifying Test in accordance with § 881.15.

(b) Grades in which selected applicants are to be appointed will be determined in accordance with § 881.12.

(c) Qualifying experience may include both military and civilian experience, provided the experience is directly related to the specialty for which application is made. For appointment in grades higher than second lieutenant, the experience must have been gained subsequent to attainment of the qualifying degree.

§ 881.32 Medical Administrative Officers (AFSC 9021).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through lieutenant colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, management, or in a related or included field of administration, management or a science. A master's degree in hospital administration or a related field is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in administrative or management positions, including planning, organizing and directing such activities as hospital administration, medical registration, personnel, finance, evacuation and debarkation of patients, recreation, welfare, and installation maintenance.

§ 881.33 Medical Supply Officer (AFSC 9031).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through lieutenant colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in business administration, management, or a related or included field of

administration, management, or a science. A master's degree in hospital administration or a related field is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in administrative or management positions, including planning, organizing, and directing activities which encompass ordering, receiving, storing, issuing, monitoring, designing, marketing, or budgeting and accounting for material.

§ 881.34 Pharmacy Officer (AFSC 9051).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in pharmacy.

(c) *Area of experience.* Qualifying experience must be that gained in pharmacy positions, including conducting laboratory tests, manufacturing medications, and directing pharmacy personnel. A current license to practice pharmacy is mandatory. Waiver of licensure requirement may be made for individuals appointed within one year after date of graduation.

§ 881.35 Optometry Officer (AFSC 9061)

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a degree in optometry from an accredited school of optometry.

(c) *Area of experience.* Qualifying experience must be that gained in optometry positions, including conducting examinations of the eye to determine presence of visual defects; prescribing lenses and orthoptic therapy to correct, conserve, or improve vision; and examining and testing lenses for workmanship and conformance to prescriptions. Must possess a current license to practice optometry in one of the States or the District of Columbia or certification of the successful passing of all parts of the examination of the National Board of Examiners in optometry. Waiver of licensure requirement may be made for individuals appointed within one year after date of graduation.

§ 881.36 Sanitary and Industrial Hygiene Engineer (AFSC 9121).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through major as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualifications in this specialty is a baccalaureate degree in sanitary, civil, chemical, or industrial hygiene engineering.

(c) *Area of experience.* Qualifying experience must have been gained in a professional capacity, including design, management, investigation, or construction of works or program for water supply, treatment, and distribution; the collection, treatment, and disposal of community wastes, namely, sanitary sewage, industrial wastes, and refuse, including salvage and reclamation of useful components of such wastes; the control of pollution of surface waterways and ground waters, and of surface and subsurface soils; milk and food facilities; housing, hospital, and institutional facilities; insect and vermin control or eradication; rural, camp, and recreation place facilities; the control of atmospheric pollution and air quality, and of light, noise, vibration, and toxic materials, including application to work spaces in industrial establishments; the prevention of radiation exposure; professional research and development work; and responsible teaching positions in engineering subjects in educational institutions of recognized standing.

§ 881.37 Medical Entomologist (AFSC 9131).

(a) *Grade.* Appointment in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in entomology. A master's degree is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in medical entomology positions, including formulating policies and procedures, directing personnel engaged in medical entomological activities, and conducting field and laboratory studies regarding development, testing, and application of insect control measures.

§ 881.38 Clinical Laboratory Officer (AFSC 9151).

(a) *Grade.* Appointment in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in medical technology. Other allied sciences such as bacteriology, parasitology, chemistry, biochemistry, and pharmaceutical chemistry, may be considered qualifying for appointment in this specialty provided the applicant has sufficient qualifying experience. A master's degree or Ph. D. with a major study in one of the referenced fields is desirable.

(c) *Area of experience.* Experience must be that gained in clinical laboratory positions, including conducting clinical laboratory tests and developing and applying procedures in serology, bacteriology, parasitology, hematology, biochemistry, and tissue pathology.

§ 881.39 Aviation Physiologist (AFSC 9161).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in physiology, biophysics, biochemistry, or zoology. A master's degree or Ph. D. with a major study in one of the referenced fields is desirable.

(c) *Area of experience.* Qualifying experience must be that gained in aviation physiological or related positions. Experience in physiological research and the development of physiological aids for aircrew personnel is desirable.

§ 881.40 Health Physicist (AFSC 9171).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in health physics, nuclear physics, radiobiology, radiological physics, or biophysics.

(c) *Area of experience.* Qualifying experience must be that gained in the control, shipping, and disposal of radiological materials; conducting radiological protection surveys; monitoring the treatment and disposal of radioactive wastes; calibration of instruments; instruction in health physics and supervision and direction of health physics program.

§ 881.41 Clinical Psychologist (AFSC 9181).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in psychology. Evidence of training in advanced clinical psychology is mandatory. A doctoral degree with a major and dissertation in clinical psychology from an approved university, including completion of internship in a medical setting, is desirable.

(c) *Area of experience.* Qualifying experience must be that gained, in clinical psychological positions, including formulating plans and policies for and directing personnel engaged in clinical psychology activities; administering psychotherapy in typical cases; selecting and interpreting results of psychological tests; and counseling maladjusted personnel on education and vocational problems.

§ 881.42 Psychiatric Social Worker (AFSC 9191).

(a) *Grade.* Appointments in this specialty may be made in grades of second lieutenant through colonel as determined under § 881.12.

(b) *Education.* The minimum educational requirement for qualification in this specialty is a master's degree in social work.

(c) *Area of experience.* Qualifying experience must be that gained in psychiatric case work positions, including administration of psychiatric social work programs as a member of the psychiatric team.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64-10229; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 905—MEDICAL SERVICE OFFICER PROCUREMENT PROGRAMS FOR IN-SERVICE TRAINING

PART 906—MEDICAL SERVICE EARLY COMMISSIONING PROGRAM

New Parts 905 and 906 are added as follows:

Sec.
905.1 Purpose.
905.2 General requirements for program participation.
905.3 Determining the number of participants.
905.4 Submitting program applications.
905.5 Obtaining application forms and detailed information.
905.6 Participation in the civilian medical intern program.
905.7 Participation in the military medical and dental intern program.
905.8 Participation in the senior medical student program.
905.9 Participation in the medical specialist training program.
905.10 Participation in the medical allied science training program.
905.11 Authorized compensation.
905.12 Assignment and reappointment policy.

AUTHORITY: This Part 905 issued under sec. 8012, 70A Stat. 488; sec. 593, 70A Stat. 25, sec. 3357, 70A Stat. 194; 10 U.S.C. 8012, 593, 3357.

SOURCE: AFR 36-46, October 8, 1962; AFR 36-46A, June 23, 1964.

§ 905.1 Purpose.

This part outlines the requirements each applicant must meet to participate in one of the following Air Force medical officer training programs: The civilian medical intern program; the military medical and dental intern program; the senior medical student program; the medical specialist training program; and the medical allied science training program.

§ 905.2 General requirements for program participation.

Each applicant for one of the training programs described in this part must meet the general requirements for Reserve appointment, as outlined in Part 881, Subchapter I of this chapter, and the specific requirements for the particular program for which he applies (see §§ 905.6 through 905.10). He must also undergo a National Agency Check before he may be appointed to any of them.

§ 905.3 Determining the number of participants.

Headquarters USAF determines annually the number of authorized participants in this training, and announces that number in yearly schedules, to deans of colleges and universities throughout the Nation.

§ 905.4 Submitting program applications.

Applications are sent to the Surgeon General in accordance with the schedule announced annually. Each application consists of the following:

(a) All of the forms required by Part 881, Subchapter I of this chapter, to apply for a Reserve appointment.

(b) All of the forms required for each specific training program (for example, the civilian medical intern program requires AF Form 266, "Application for Assignment to Intern Training In a Civilian Hospital," AF Form 281, "Intern Training Agreement," and AF Form 281a, "Intern Training Agreement Supplement").

(c) A written agreement to serve on a specified time contract. The applicant must further agree to serve the minimum period of active duty after completion of his training as specified in AFR 36-51 (Career Reserve Status for Reserve Officers and Active Duty Service Commitments for Officers and Warrant Officers) for the appropriate program.

§ 905.5 Obtaining application forms and detailed information.

Applicants may obtain application forms and additional information about these training programs from Hq USAF (AFMSMBA), Washington, D.C., 20333.

§ 905.6 Participation in the civilian medical intern program.

Each applicant must:

(a) Be a male graduate or prospective graduate of a medical school acceptable to the Surgeon General, USAF.

(b) Have been accepted for a one-year internship (rotating, mixed, or straight) in an approved civilian hospital.

(c) Express in writing a positive interest in an Air Force career.

§ 905.7 Participation in the military medical and dental intern program.

The applicant must:

(a) Be a male graduate or prospective graduate of a medical or dental school acceptable to the Surgeon General, USAF.

(b) Participate in the National Intern Matching Program, and express in writing a positive interest in an Air Force career—if he is applying for a medical internship.

§ 905.8 Participation in the senior medical student program.

Each applicant must:

(a) Have completed successfully the first semester of his junior year at a medical school acceptable to the Surgeon General, USAF, at the time he applies; by the time he actually enters the program (effective date of duty) each selected applicant must be officially enrolled in his senior year.

(b) Express in writing a positive interest in an Air Force career.

(c) Agree in writing to participate in the Air Force Sponsored Intern Training Program. (If he participates, and is not matched for military internship or selected for a civilian internship, the Air Force will release him from active duty for 12 months to pursue a civilian internship at his own expense. Upon completing that internship, however, he will be recalled to active duty to fulfill the service obligation incurred as a result of the training received in the student program.)

§ 905.9 Participation in the medical specialist training program.

The applicant must:

(a) Be a female, in an unmarried status, with no dependents under 18 years of age.

(b) Be 21 years of age, but not have passed her 26th birthday on the date of her appointment in the Reserve Air Force (Medical Specialist Corps).

(c) Meet the physical requirements for appointment in the Regular Air Force.

(d) Express in writing a positive interest in an Air Force career.

(e) Meet the following education requirements if she is applying for:

(1) *Dietetic training.* Have a bachelor degree from an approved college or university and have been accepted for training in an American Dietetic Association approved internship.

(2) *Occupational therapy training.* Be enrolled in the final year of an approved bachelor degree course in occupational therapy; or have a bachelor degree and be enrolled in the final year of an approved occupational therapy certificate course.

(3) *Physical therapy training.* Be enrolled in the final year of an approved bachelor degree course in physical therapy; or have a bachelor degree and have been accepted for a physical therapy certificate course in an approved school.

§ 905.10 Participation in the medical allied science training program.

This program is designed to help students who are interested in an Air Force career gain an advanced degree in a medical allied science. The applicant must:

(a) Be a prospective male graduate of a college or university acceptable to the Surgeon General, USAF.

(b) Express in writing a positive interest in an Air Force career.

(c) Meet the following requirements if he is applying for:

(1) *Sanitary and industrial hygiene engineer.* Must have completed successfully the first semester of his senior year at a college or university with an undergraduate engineering curricula which includes Humanistics and Social Studies, Mathematics and Basic Science, Sequence of Engineering Analysis, Design and Engineering Systems, and electives. The master's degree curricula must include General Environmental Hygiene, Engineering Statistics, and Epidemiology—at least 25 percent of his study must be in these subjects; other subjects may consist of available electives at the school.

(2) *Nuclear health physicist.* Must have completed successfully the first semester of his senior year at a college or university with an undergraduate cur-

ricula that includes physics, chemistry (or engineering), mathematics (through calculus), and preparation in related fields. The master's degree study must lead to a Master of Science and must include the Elements of Atomic Physics, Health Physics and Radiobiology, Radio Physics, Nuclear Physics, and Electronics.

(d) By the time he actually enters the training program (effective date of active duty) each selected applicant must have received his bachelor's degree and be officially enrolled in an acceptable university for the graduate degree training.

§ 905.11 Authorized compensation.

(a) Each applicant who is selected for any medical training program described in this part will:

(1) Be appointed in the Reserve of the Air Force and receive the full pay and allowances normally authorized, except that medical and dental interns do not receive the special pay of $100 a month currently authorized for military physicians and dentists.

(2) Be subject to the restrictions imposed by AFM 177–105 (Military Pay—Volume 1 Policies and Personnel Procedures) (paragraphs 10321, 10411, 30841–30843) on compensation, quarters, or subsistence furnished by civilian medical facilities or institutions.

(b) Each applicant who is selected for the Senior Student Program, Medical Specialists Training Program, and the Medical Allied Science Training Program is personally responsible for the following, without reimbursement from the Air Force:

(1) Payment of all school tuition, related fees, and textbook purchases.

(2) Travel expenses incident to the program.

§ 905.12 Assignment and reappointment policy.

(a) Each medical training program participant who is training in a civilian facility/institution is assigned to the Air Force Institute of Technology, with duty station at the civilian facility/institution where the training is being held. When he completes this first phase, he is then reassigned to an Air Force Medical Service facility.

(b) Each participant in the Senior Medical Student Program is reappointed in the Reserve of the Air Force (Medical Corps) on the date of his graduation from medical school.

Sec.
906.1 Purpose.
906.2 Program objectives.
906.3 Scope of program.
906.4 Status of participants.
906.5 Eligibility.
906.6 How student applies.
906.7 Selecting students.
906.8 Training programs.

AUTHORITY: This Part 906 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.
SOURCE: AFR 36–6, November 21, 1962.

§ 906.1 Purpose.

This part establishes an early commissioning program for students enrolled in medical, dental, or veterinary school.

§ 906.2 Program objectives.

The objectives of the early commissioning program are:

(a) To insure the deferment from active duty of persons training in the critical specialties of medicine, dentistry, and veterinary medicine until completion of professional qualification.

(b) To provide an early association of future physicians, dentists, and veterinarians with the Air Force, as a means of interesting them in career programs.

§ 906.3 Scope of program.

(a) Students enrolled in schools of medicine, dentistry, or veterinary medicine may be appointed second lieutenants, Reserve of the Air Force, Medical Service Corps. When qualified in their specialty in accordance with Part 881, Subchapter I of this chapter, they will be transferred (reappointed) to the Medical Corps, Dental Corps, or Veterinary Corps, as appropriate.

(b) When offered by the Air Force, participants may volunteer for training programs of up to 90 days' duration and receive full pay and allowances during such periods of training.

§ 906.4 Status of participants.

(a) Appointments under this program are probationary and contingent upon subsequent qualification as a physician, dentist, or veterinarian. If participants in this program fail to achieve qualification for reappointment to the Medical, Dental, or Veterinary Corps (as appropriate), or, having qualified, decline to accept reappointment, they will be considered for discharge in accordance with AFR 45–40 (Discharge of Officers of the AF Reserve by Reason of Misconduct or Inefficiency), AFR 45–41 (Administrative Separation of Officer Members of the AF Reserve), or other related regulations.

(b) Appointments under this program are made only in the grade of second lieutenant, Reserve of the Air Force, Medical Service Corps. Upon appointment, participants are designated Ready Reservists and assigned to the Ineligible Reserve Section (IRS). However, participants will not be assigned for training to units of the Air Force Reserve or to the Air National Guard.

(c) Participants may volunteer for sponsorship training programs offered by the Air Force under Part 905.

(d) Upon completion of requisite professional education and/or training, participants are transferred (reappointed) to the appropriate Corps of the Medical Service and, consistent with active duty requirements, ordered to active duty for not less than two years. Physicians may be granted additional deferment beyond internship if selected for residency deferment through participation in the Armed Forces Physicians' Appointment and Residency Consideration Program (Berry Plan).

§ 906.5 Eligibility.

(a) The early commissioning program is limited to male students enrolled in an approved school of medicine, dentistry, or veterinary medicine. Students must not have commenced the final school year. Only those schools located in the United States, Puerto Rico, or Canada are acceptable for student participation in this program.

(b) Applicants must meet the eligibility criteria for appointment as prescribed in Subpart B, Part 881, Subchapter I of this chapter.

§ 906.6 How student applies.

The student:

(a) Submits AF Form 433, "Application for Air Force Medical Service Early Commissioning Program," in duplicate, direct to Hq USAF (AFMSMBA), Washington, D.C., 20333, after enrollment or acceptance for enrollment in a school of medicine, dentistry, or veterinary medicine.

(b) Includes with application the following:

(1) Transcript of applicant's grades from the beginning of college through the last completed school year. (2 copies)

(2) AF Form 24, "Application for Appointment in the Air Force Reserve." (2 copies)

(3) DD Form 98, "Armed Forces Security Questionnaire." (2 copies)

(4) DD Form 398, "Statement of Personal History." (5 copies)

(5) FD Form 258, "FBI Fingerprint Card." (2 copies)

(6) SF Form 88, "Report of Medical Examination." (2 copies)

(7) SF Form 89, "Report of Medical History." (1 copy)

(8) Photograph, head and shoulders type, not less than 3'' x 5''. (1 copy)

(9) Conditional Release from other Armed Force or component in which appointment or enlistment is currently held, where applicable.

(10) Submits the following statement if he has not completed his military service obligation under the Universal Military Training and Service Act or as otherwise required by law will:

In the event I am tendered an appointment as a Reserve officer of the Air Force, I understand that upon acceptance of appointment I am required to serve on active duty and in a Reserve component for the minimum period established by law, unless sooner discharged in accordance with regulations and standards prescribed by the Secretary of the Air Force and the Secretary of Defense. I further understand that, although the appointment is tendered as a conditional appointment contingent upon my subsequent qualification as a physician, dentist, or veterinarian and my acceptance of an appointment in the Medical, Dental, or Veterinary Corps when and if tendered, my appointment in the Reserve of the Air Force will be for an indefinite period and my total obligated service will be not less than six years. Of the time required to be served in the Air Force Reserve, not less than five years must be served as a combination of active duty and Ready Reserve service. The remaining time required to complete my obligated service may be as a Standby Reservist. I understand that my obligated tour of active duty will be not less than two years and that I hereby voluntarily agree to serve my active duty tour when so ordered by the Secretary of the Air Force unless sooner discharged or otherwise relieved of my active duty obligation in accordance with existing law or regulations and standards prescribed by the Secretary

of Defense or the Secretary of the Air Force. I further agree and understand that if I am not reappointed to the Medical, Dental, or Veterinary Corps for any reason, I may be discharged from my appointment in the Air Force Reserve.

(11) Includes a certificate that he has not been ordered to report for preinduction processing. See § 881.13(a)(10), Subchapter I of this chapter.

(12) If he is a member of the Reserve forces of one of the military services, submits a certificate to the effect that he has not been ordered to report for extended active duty.

§ 906.7 Selecting students.

Selection of participants is made by the Office of the Surgeon General, Headquarters USAF.

§ 906.8 Training programs.

Off-term training programs appropriate to the professional specialties and/or officer orientation may be established by the Air Force and offered to participants. Programs will be announced to participants during the year preceding their eligibility for such training.

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64-10230; Filed, Oct. 7, 1964; 8:47 a.m.]

SUBCHAPTER L—STANDARDS OF CONDUCT

PART 920—STANDARDS OF CONDUCT

Miscellaneous Amendments

1. Add new §§ 920.10a and 920.10b as follows:

§ 920.10a Information to personnel.

(a) Each commander will insure that new Air Force personnel under his jurisdiction are informed of the standards of conduct specified in this part upon employment, or entry on duty. Each commander will bring these standards of conduct to the attention of all Air Force personnel under his jurisdiction by appropriate means at least semi-annually. The Secretary of the Air Staff will insure that these requirements are met within Hq USAF. This requirement may be accomplished through various means, including, but not necessarily limited to personal consultation, requiring the individual to read this part, daily bulletins, bulletin board items, regularly published media, and commanders calls. The Commander, Continental Air Command, is responsible for insuring that nonactive duty Air Force Reserve personnel, other than Part I Reserves assigned to other major air commands, are appropriately informed. Major air commanders have this responsibility for Part I Reserves within their respective commands. The Chief of the National Guard Bureau has this responsibility for the Air National Guard of the United States.

(b) All Air Force personnel will be advised that they may obtain additional clarification of the provisions of this part and related laws, rules, and regulations from the local legal office providing legal service to their organization or activity. Military personnel may request advice concerning entitlement to retired pay from the Air Force Accounting and Finance Center (AR), 3800 York Street, Denver, Colorado, 80205.

(c) Questions which cannot be resolved by a legal officer will be referred, with recommendations, through channels to higher authority. The General Counsel of the Department of the Air Force, Office of the Secretary of the Air Force, is responsible for proper coordination and final disposition of all problems relating to conflict of interest.

§ 920.10b Reporting suspected violations.

Air Force personnel who have information which causes them to believe that there has been a violation of a statute or policy set forth in this part will promptly report such incidents to their immediate superiors. If the superior believes there has been a violation, he will report the matter for further action in accordance with AFR 124-8 (Violations of Public Trust in Contract, Procurement, and Disposal Matters). Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

2. In § 920.12(d)(2), subdivisions (ii) and (iii) are amended by the addition of new material. These subdivisions now read as follows:

§ 920.12 Conflict of interest laws.

* * * * *

(d) * * *

(2) * * *

(ii) The Air Force Accounting and Finance Center will review the "Statement of Employment" to assure compliance with applicable statutes and regulations. Where it appears that a possible violation of a policy or statute, as set forth in this part may be involved, the Retired member may be requested to furnish clarifying information. In those instances where the Commander, Air Force Accounting and Finance Center, is unable to resolve the issues, he will submit the matter, with recommendations, to Hq USAF (AFJAG), Washington, D.C., 20330, for referral, if appropriate, with recommendations, to the General Counsel of the Department of the Air Force, Office of the Secretary of the Air Force.

(iii) The retired member will request additional copies of DD Form 1357 from AFAFC (AR), 3800 York Street, Denver, Colorado, 80205. DD Form 1357 is stocked and issued only by the Air Force Accounting and Finance Center. The Center is authorized to locally reproduce DD Form 1357 on 8 x 10½" paper.

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(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFR 30-30, August 26, 1963]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 64-10231; Filed, Oct. 7, 1964; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER—AGRICULTURAL CONSERVATION PROGRAM

[Bulletin NSCP 2901]

PART 706—NAVAL STORES CONSERVATION

Subpart G—1965

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

Through the 1965 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1961 season, except as provided under § 706.318.

GENERAL PROVISIONS

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

AUTHORITY: The provisions of this Subpart G issued under sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g–590q.

GENERAL PROVISIONS

§ 706.301 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.315, 706.316, and 706.318. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.302 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1965 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1965 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1965 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1965 program to faces which were installed and met the eligible face requirements during the 1961, 1962, 1963, or 1964 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1965 and those installed in 1965 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) Practices under §§ 706.309, 706.310, 706.311, 706.312, 706.313, 706.314, 706.315, or 706.317 which require more than one year for completion. Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.303 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.304 Fire protection.

Each producer shall during the 1965 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.305 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1965 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1965. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.306 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP–3200–1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 706.309 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

§ 706.310 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and work-

ing faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

§ 706.311 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

§ 706.312 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

§ 706.313 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

§ 706.314 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 706.309, 706.310, 706.311, or 706.312.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.315 is used.

§ 706.315 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.309, 706.310, 706.311, 706.312, 706.313, 706.314, and 706.317 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1965 season or faces upon which the cups and tins are elevated for the first time during the 1965 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.316 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1963 or 1964 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1965 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 706.309. Only producers who did not participate in the 1963 or 1964 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit

the tract or drift to meet the eligible face requirements of § 706.309.

§ 706.317 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.309.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.310, 706.311, 706.312, 706.313, and 706.314.

§ 706.318 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1964 or 1965 on which no subsequent work will be done and from which all hardware is removed by December 31, 1965.

(d) *Component of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.319 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $37.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	[1]
$200.00 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 706.320 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.302(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to, the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this or the 1961, 1962, 1963, or 1964 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1961, 1962, 1963, 1964, or 1965 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1968.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1960 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1960 in the tracts or drifts in which such installation occurs.

§ 706.321 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.302(d) or § 706.320.

§ 706.322 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.323 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 706.323 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1965 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1965, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 706.324 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122 as amended (Part 707 of this chapter).

§ 706.325 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1965 Naval Stores Conservation and the 1965 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 706.326 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.325.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.327 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1965 turpentine season, which were installed during or after the 1961 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.328 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before December 31, 1965, on the prescribed form (NSCP–3200–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.329 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.330 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval

stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 706.331 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

§ 706.332 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1966.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

§ 706.333 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service of the Department of Agriculture or by the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes.

Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 706.334 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, U.S. Forest Service, 50 Seventh Street NE., Atlanta Ga., 30323. Information concerning this program may be secured from the Forest Service, Valdosta, Ga., or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 2d day of October 1964.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 64-10268; Filed, Oct. 7, 1964; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 871.17]

PART 871—SUGARBEETS

Fair and Reasonable Prices, 1964 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of evidence presented at public hearings held in December 1963 and January 1964 the following determination is hereby issued.

§ 871.17 Fair and reasonable prices for the 1964 crop of sugarbeets.

A producer of sugarbeets who is also a processor of sugarbeets (herein referred to as "processor") shall have paid, or contracted to pay for all sugarbeets of the 1964 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for all sugarbeets delivered by a producer and processed by a processor, shall be not less than that required to be paid pursuant to the 1964-crop sugarbeet purchase contract between the processor and the producer for sugarbeets processed from the acreage specified in such contract.

(2) If the processor, in determining the net proceeds pursuant to the contract, makes a deduction from the gross sales price of sugar for factory site bulk sugar storage facilities owned by the processor, such deduction shall be limited to amortization of such facilities, including improvements, over a reasonable period, interest at prevailing rates on the unrecovered cost, taxes, insurance, maintenance, and operating costs properly applicable thereto. After the costs of the facilities, including improvements, have been fully recovered such deduction shall be limited to taxes, insurance, maintenance, and operating costs properly applicable thereto.

(3) In determining the net proceeds pursuant to the contract, the gross sales price per 100 pounds to be applicable to sugar sold to an affiliate company or other affiliate business entity, or to sugar used by the processor during the settlement period, shall be not less than the weighted average quoted basis price, less customary allowances, and plus appropriate prepays and package differentials which would have been applicable to such sugar had it been marketed to nonaffiliated purchases.

(b) *Reporting requirements.* The processor shall submit to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the close of the sales period specified in the sugarbeet purchase contract an itemized statement, for each settlement district, certified by an independent accountant showing the computation of "net proceeds" or "net returns" as provided in such contract, such statement to be in substantially the form as that contained in Schedule A below: *Provided,* That, if the processor markets sugar to an affiliate company or other affiliate business entity or if the processor uses any beet sugar, the weighted average gross sales price for each category, the marketing expenses applicable to each, and the net proceeds derived therefrom shall be reported in substantially the form shown on Schedule A–1 below, to supplement the information submitted in accordance with Schedule A: *Provided further,* That, if the processor in determining net proceeds makes a deduction for factory-site bulk sugar storage facilities owned by the processor, the total cost of such facilities, including improvements, the amount of the deduction and the expenses used in determining such deduction shall be reported in substantially the form shown on Schedule A–2 below, to supplement the information submitted in accordance with Schedule A.

(c) *Subterfuge.* The processor shall not reduce returns to producers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the Act, by a producer who

processes sugarbeets of the 1964 crop grown by other producers.

(b) *Requirements of the Act.* Section 301(c)(2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugarbeets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarbeets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1964 fair price determination.* This determination provides that a processor shall be deemed to have complied with the fair price provisions of the Sugar Act if he has paid, or contracted to pay, prices for all sugarbeets processed that are not less than those determined pursuant to the applicable 1964-crop purchase contract with producers.

At the public hearings representatives of producers and processors reported that where 1964-crop purchase contracts had been negotiated with growers the provisions were generally much the same as the 1963-crop contracts.

Examination of the 1964-crop purchase contracts which have been negotiated by producers and processors and submitted to the Department subsequent to the hearing, indicates that in the majority of contracts the major provisions relating to payments for sugarbeets conform to those of the 1963 crop. Three processors have adjusted the payment scale in a number of their contracts—two processors increased the prices to be paid for beets at sugar content levels above the normal range for the area and decreased prices for beets at sugar content levels below normal; and one processor increased slightly the payment for beets at all levels of net proceeds realized from the sale of sugar, pulp, and molasses, above a certain level. New contracts in two settlement areas adopt, generally, the provisions of other contracts of the company. The basis of payment for quality of beets was changed in one contract from a factory average cossette test to an individual test basis adjusted by the average sugar content in cossettes. Other changes in the contracts relate to delivery schedules, the prices for sugarbeet seed, charges for the use of company-owned bulk sugar storage facilities, the participation by producers and processors in the freight costs for sugarbeets, and the methods of taring beets. Changes in the 1964 crop purchase contracts are not expected to alter significantly the sharing relationship between the producer and the processor at normal ranges of sugar prices and sucrose levels.

The contract of one processor who will operate a new plant in a locality which received an acreage commitment from the national acreage reserve authorizes a deduction of $1.00 per ton of beets by the processor in accordance with a Capital Contribution Agreement. Under that agreement, the producer has agreed to pay to the processor as a capital contribution $1.00 per ton of beets until the aggregate amount contributed by all producers equals $5 million.

Consideration has been given to the provisions of the purchase contracts, to the comparative average operating results of producers and processors obtained by field study for a prior crop and recast in terms of prospective price and production conditions for the 1964 crop, and to other pertinent factors. The analysis indicates that the payments for sugarbeets provided in the 1964 crop purchase contracts are fair and reasonable at levels of sugar prices which may be expected during the marketing season.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended. (Sec. 403, Stat. 932, 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929, 7 U.S.C. Sup. 1131.)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date. This determination shall become effective on October 2, 1964, and is applicable to the 1964 crop of sugarbeets.

Signed at Washington, D.C., on October 2, 1964.

CHARLES S. MURPHY,
Acting Secretary.

SCHEDULE A—STATEMENT OF AVERAGE NET RETURN OR NET PROCEEDS FROM SALES OF SUGAR [1]

Company _____
Settlement area _____
Settlement period _____

	Per hundredweight sugar (dollars)
Gross sales price	
Less Sales and Marketing Expenses (Applicable to Sugar only):	
Federal excise tax	
Freight on sugar to destination	
Cash discount	
Allowances	
Public storage (actually paid)	
Off-site storage owned by the processor (amount charged)	
On-site storage (computed charge) [2]	
Loading and handling	
Cost of packing in excess of basis pack	
Taxes	
Insurance	
Brokerage and Commissions	
Advertising	
Sales department expenses:	
Salaries	
Travel	
Miscellaneous	
Other (specify)	
Total Expense	
Net Return or Net Proceeds	

[1] Where the purchase contract provides that the proceeds from the sales of molasses and beet pulp are to be included in calculating the net return or net proceeds, show separately the gross sales price and the marketing expenses applicable to each.

[2] Obtain from Schedule A–2.

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–1—STATEMENT OF GROSS SALES PRICES APPLICABLE TO SUGAR SOLD TO AFFILIATED COMPANIES OR ENTITIES AND USED BY THE PROCESSOR, AS COMPARED TO SALES TO NONAFFILIATED PURCHASERS

	Affiliated purchasers	Used by processor	Nonaffiliated purchasers
Sugar sold or used ____ cwt.			
	Dollars per cwt.	*Dollars per cwt.*	*Dollars per cwt.*
Quoted basis price			
Customary allowances: (itemize)			
Open competitive			
Other:			
Basis price—less allowances			
Prepay			
Package differential			
Gross sales price			
Marketing expenses		(1)	
Net proceeds			

[1] If any marketing expenses are deducted from the Gross Sales Price by the processor in computing net return for this particular sugar, such expenses shall be itemized separately. (Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

SCHEDULE A–2—STATEMENT RELATING TO CHARGES FOR COMPANY-OWNED FACTORY-SITE BULK SUGAR STORAGE IN COMPUTING NET PROCEEDS, 1964 CROP (SUBMIT SEPARATE SCHEDULE FOR EACH FACILITY)

Company _____
Location of bulk sugar storage facility _____
Settlement areas included _____
Settlement period _____
Sugar sold during settlement period—cwt. _____

	Total dollars
Original cost of facility (year first used)	
Improvements (item and date):	
Total cost of facility including improvements	
Total amount recovered prior to 1964 crop	
Total unrecovered cost of facility	

SCHEDULE A–2—Continued

Operating costs or charges for 1964 crop:	
Interest on unrecovered cost	
Taxes	
Insurance	
Maintenance and operating (itemize)	
Total operating costs for 1964 crop	
Amount applied against 1964 crop to amortize cost of facility	
Total amount charged for facility in computing net proceeds—1964 crop (to be carried to Schedule A as amount of deduction)	
Unamortized cost of facility at end of 1964 crop	

(Data will be held confidential and will not be published in any manner as would disclose the operations of any company.)

[F.R. Doc. 64–10246; Filed, Oct. 7, 1964; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–834]

PART 13—PROHIBITED TRADE PRACTICES

Cotton City Wash Frocks, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising Expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Cotton City Wash Frocks, Inc., New York, N.Y., Docket C–834, Sept. 18, 1964]

Consent order requiring a New York City distributor of wearing apparel to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for advertising its products to certain department stores and others while not making comparable allowances available to all the competitors of the favored customers.

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

It is ordered, That respondent Cotton City Wash Frocks, Inc., 1350 Broadway, New York 18, New York, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: September 18, 1964.

By the Commission.

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

[F.R. Doc. 64–10217; Filed, Oct. 7, 1964; 8:46 a.m.]

[Docket No. C–835]

PART 13—PROHIBITED TRADE PRACTICES

Premier Knitting Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 4 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Premier Knitting Co., Inc., New York, N.Y., Docket C–835, Sept. 18, 1964]

Consent order requiring a New York City distributor of wearing apparel to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for advertising its products to certain department stores and others while not making comparable allowances available to all the competitors of the favored customers.

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

It is ordered, That respondent Premier Knitting Co., Inc., 1410 Broadway, New York, New York, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be and it hereby is postponed until further Order of the Commission.

Issued: September 18, 1964.

By the Commission.

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

[F.R. Doc. 64–10218; Filed, Oct. 7, 1964; 8:46 a.m.]

[Docket No. C–836]

PART 13—PROHIBITED TRADE PRACTICES

Regal Knitwear Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 5, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Premier Knitting Co., Inc., New York, N.Y., Docket C–835, Sept. 18, 1964]

Consent order requiring a New York City distributor of wearing apparel to cease discriminating in price in violation of section 2(d) of the Clayton Act by such practices as granting substantial promotional payments for advertising its products to certain department stores and others while not making comparable allowances available to all the competitors of the favored customers.

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

It is ordered, That respondent Regal Knitwear Co., Inc., 1333 Broadway, New York, New York, a corporation, its officers, directors, agents and representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

(1) Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of this order to cease and desist be

and it hereby is postponed until further order of the Commission.

Issued: September 18, 1964.

By the Commission.

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

[F.R. Doc. 64-10219; Filed, Oct. 7, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

Subpart F—Listing of Color Additives for Drug Use Exempt From Certification

DILUENTS IN COLOR ADDITIVE MIXTURES; FINAL ORDER LISTING FOR FOOD AND DRUG USE

In response to the notice published in the FEDERAL REGISTER of July 16, 1964 (29 F.R. 9623), which proposed the listing of certain diluents in color additive mixtures for food and drug use, four comments were received. Three of the comments dealt with additions to the list of diluents. One comment, by the Certified Color Industry Committee, proposed that all color additive mixtures for food use be subject to certification.

The Commissioner of Food and Drugs has carefully considered the comments received, together with other relevant data, and has reached the following conclusions:

1. A requirement that all color additive mixtures for food use be subject to certification would require amendment of § 8.30 of the Interpretative and Procedural Color Additive Regulations. No evidence has been advanced, nor is information otherwise available, from which a conclusion can be reached that such an amendment is necessary to protect consumer interests.

2. It is concluded that grounds have been stated for the requests to include a number of other diluents in the proposed list, and the requests are granted, in part.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(c), (d), 74 Stat. 402, 403; 21 U.S.C. 376(c), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471); *It is ordered,* That §§ 8.390 and 8.6200 be adopted as set forth below:

1. Subpart D, Part 8 is amended by adding thereto the following new section:

§ 8.390 Diluents in color additive mixtures for food use exempt from certification.

The following substances may be safely used as diluents in color additive mixtures for food use exempt from certification, subject to the condition that each straight color in the mixture has been exempted from certification or, if not so exempted, is from a batch that has previously been certified and has not changed in composition since certification. If a specification for a particular diluent is not set forth in this Subpart D, the material shall be of a purity consistent with its intended use.

(a) *General use.* (1) Substances that are generally recognized as safe under the conditions set forth in section 201(s) of the act.

(2) Substances meeting the definitions and specifications set forth under Part 121 of this chapter, and which are used only as prescribed by such regulations.

(3) The following:

Substance	Definition and specification	Restrictions
Castor oil	As set forth in U.S.P. XVI.	Not more than 500 p.p.m. in the finished food. Labeling of color additive mixtures containing castor oil shall bear adequate directions for use that will result in a food meeting this restriction.

(b) *Special use*—(1) *Diluents in color additive mixtures for marking food*—(i) *Inks for marking gum and confectionery.* Items listed in paragraph (a) of this section and the following:

Substances	Definitions and specifications	Restrictions
n-Butyl alcohol		No residue in finished confectionery or gum.
Cetyl alcohol	As set forth in N.F. XI.	
Cyclohexane		Do.
Ethyl cellulose	As set forth in § 121.1087 of this chapter.	
Ethylene glycol monoethyl ether		Do.
Isobutyl alcohol		Do.
Isopropyl alcohol		Do.
Polyoxyethylene sorbitan monooleate (polysorbate 80).	As set forth in § 121.1009 of this chapter.	
Polyvinyl acetate	Molecular weight, minimum 2,000.	
Polyvinylpyrrolidone	As set forth in § 121.1139 of this chapter.	
Rosin and rosin derivatives	As set forth in § 121.1059 of this chapter.	
Shellac, purified	Food grade.	

(ii) *Inks for marking fruit and vegetables.* Items listed in paragraph (a) of this section and the following:

Substances	Definitions and specifications	Restrictions
Acetone	As set forth in N.F. XI	No residue.
Alcohol, SDA-3A	As set forth in 26 CFR Part 212	Do.
Benzoin	As set forth in U.S.P. XVI	
Copal, Manila		
Ethyl acetate	As set forth in N.F. XI	Do.
Ethyl cellulose	As set forth in § 121.1087 of this chapter.	
Methylene chloride		Do.
Polyvinylpyrroldone	As set forth in § 121.1139 of this chapter.	
Rosin and rosin derivatives	As set forth in § 121.1059 of this chapter.	
Silico dioxide	As set forth in § 121.1058 of this chapter.	Not more than 2 percent of the ink solids.
Terpene resins, natural	As set forth in § 121.1059 of this chapter.	
Terpene resins, synthetic	Polymers of α- and β-pinene	

(2) *Diluents in color additive mixtures for coloring shell eggs.* Items listed in paragraph (a) of this section and the following, subject to the condition that there is no penetration of the color additive mixture or any of its components through the eggshell into the egg:

Alcohol, denatured, formula 23A (26 CFR Part 212), Internal Revenue Service.
Damar gum (resin).
Diethylene glycol distearate.
Dioctyl sodium sulfosuccinate.
Ethyl cellulose (as identified in § 121.1087 of this chapter).
Ethylene glycol distearate.
Japan wax.
Limed rosin.
Naphtha.
Pentaerythritol ester of fumaric acid-rosin adduct.
Polyethylene glycol 6000 (as identified in § 121.1057 of this chapter).
Polyvinyl alcohol.
Rosin and rosin derivatives (as identified in § 121.1059 of this chapter).

2. Subpart F, Part 8, is amended by adding thereto the following new section:

§ 8.6200 Diluents in color additive mixtures for drug use exempt from certification.

The following diluents may be safely used in color additive mixtures that are exempt from certification and which are

to be used for coloring drugs, subject to the condition that each straight color in the mixture has been exempted from certification or, if not so exempted, is from a batch that has previously been certified and has not changed in composition since certification. Such listing of diluents is not to be construed as superseding any of the other requirements of the Federal Food, Drug, and Cosmetic Act with respect to drugs, including new drugs. If a definition and specification for a particular diluent is not set forth in this Subpart F, the material shall be of a purity consistent with its intended use.

(a) *Ingested drugs*—(1) *General use.* Diluents listed in § 8.390(a) and the following:

Substances	Definitions and specifications	Restrictions
Alcohol, specially denatured	As set forth in 26 CFR, Part 212	In color coatings for pharmaceutical forms; no residue.
Cetyl alcohol	As set forth in N.F. XI	
Isopropyl alcohol		
Polyoxyethylene (20) sorbitan monostearate (Polysorbate 60).	As set forth in § 121.1030 of this chapter.	
Polyoxyethylene (20) sorbitan tristearate (Polysorbate 65).	As set forth in § 121.1008 of this chapter.	
Polysorbate 80	As set forth in § 121.1009 of this chapter.	
Polyvinyl-pyrrolidone	As set forth in § 121.1139 of this chapter.	
Sorbitan monooleate		
Sorbitan monostearate	As set forth in § 121.1029 of this chapter.	
Sorbitan trioleate		

(2) *Special use; inks for branding pharmaceutical forms.* Items listed in § 8.390(b)(1)(i) and the following:

Ethyl lactate.
Polyoxyethylene sorbitan monolaurate (20).

(b) *Externally applied drugs.* Diluents listed in paragraph (a)(1) of this section and the following:

Substances	Definitions and specifications
Benzyl alcohol	As set forth in N.F. XI.
Ethyl cellulose	As set forth in § 121.1087 of this chapter.
Hydroxyethyl cellulose.	— — —
Hydroxypropyl cellulose.	As set forth in § 121.1160 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(c), (d), 74 Stat. 402, 403; 21 U.S.C. 376(c), (d))

Dated: September 30, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64-10254; Filed, Oct. 7, 1964; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHEWING GUM BASE

A proposal to amend § 121.1059 was published in the FEDERAL REGISTER of July 10, 1964 (29 F.R. 9456). Subsequently, a comment was received requesting that the requirement of purification of rosin esters by countercurrent steam distillation be replaced by permitting purification by steam sparging or by steam stripping. This request was deemed valid. Additionally, it was requested that the drop-softening point specification included in the proposal be replaced by the method ASTM E 28-58T, entitled "Tentative Method of Test for Softening (by Ring and Ball Apparatus)." It has been concluded that drop-softening point will be specified, but industry is free to use any method available for the determination of softening point or melting point of "Plasticizing Materials (Softeners)" identified in this section, provided that the method of choice is scientifically adequate for such determination. For the purpose of determining compliance with the regulation, the Food and Drug Administration will use the drop-softening point.

On July 8, 1964 (29 F.R. 9326), § 121.1156 was promulgated authorizing the use of petroleum wax as a masticatory substance in chewing gum base. For the purpose of cross-referencing, it has been concluded that § 121.1059 should include a specific reference to § 121.1156.

Based upon the foregoing conclusion and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c), (d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1059 of the food additive regulations is amended by adding to the list of synthetic masticatory substances, immediately before "Polyethylene", the component "Petroleum wax" and by revising the list of "Plasticizing Materials (Softeners)" to read as follows:

§ 121.1059 Chewing gum base.

* * * * * *

(a) * * *

Masticatory Substances	
Synthetic	*Specifications*
* * * * *	* * * * *
Petroleum wax	Complying with § 121.1156.
* * * * *	* * * * *
Plasticizing Materials (Softeners)	
Glycerol ester of partially dimerized rosin	Having an acid number of 3–8, a drop-softening point of 109° C.–119° C., and a color of M or paler.
Glycerol ester of partially hydrogenated wood rosin.	Having an acid number of 3–10, a drop-softening point of 79° C.–88° C., and a color of N or paler.
Glycerol ester of polymerized rosin	Having an acid number of 3–12, a melting-point range of 80° C.–126° C., and a color of M or paler.
Glycerol ester of wood rosin	Having an acid number of 5–9, a drop-softening point of 88° C.–96° C., and a color of N or paler. The ester is purified by steam stripping.
Lanolin	
Methyl ester of rosin, partially hydrogenated	Having an acid number of 4–8, a refractive index of 1.5170–1.5205 at 20° C., and a viscosity of 23–66 poises at 25° C. The ester is purified by steam stripping.
Pentaerythritol ester of partially hydrogenated wood resin.	Having an acid number of 7–18, a drop-softening point of 102° C.–110° C., and a color of K or paler.
Pentaerythritol ester of wood rosin	Having an acid number of 6–16, a drop-softening point of 109° C.–116° C., and a color of M or paler.
Rice bran wax	Complying with § 121.1098.
Stearic acid	Complying with § 121.1070.
Sodium and potassium stearates	Complying with § 121.1071.

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

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

(Sec. 409 (c), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c), (d))

Dated: September 30, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64-10255; Filed, Oct. 7, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Amprolium

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1343) filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, and other relevant material, has concluded that the food additive regulations should be amended to provide the conditions under which combinations of amprolium with ethopabate, arsanilic acid, penicillin, and streptomycin may be safely used in chicken feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), Part 121 is amended in the following respects:

1. Section 121.210(c) is amended by changing items a and c now under item 2.2 in table 1 to read as set forth below and by inserting new items 2.3 and 2.4. As amended, the affected portions are as follows:

§ 121.210 Amprolium.

* * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.2 * * *	* * *	* * *	* * *	* * *	* * *
2.3 Amprolium	113.5-227 (0.0125%-0.025%)	Arsanilic acid	90 (0.01%)	For broiler chickens; not for laying chickens; withdraw 5 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.4 Amprolium	113.5-227 (0.0125%-0.025%)	Ethopabate	3.6 (0.0004%)	do	Do.
		+			
		Arsanilic acid	90 (0.01%)		
a. 2.1, 2.2, 2.3, or 2.4.	113.5-227	Penicillin	2.4-50	For broiler chickens; as procaine penicillin.	Growth promotion and feed efficiency.
* * *	* * *	* * *	* * *	* * *	* * *
c. 2.1, 2.2, 2.3, or 2.4.	113.5-227	Penicillin+streptomycin.	14.4-50	For broiler chickens; as procaine penicillin plus streptomycin sulfate; 14.4-50 gm. of combination containing 16.7% of penicillin.	Do.

2. Section 121.253(c) is amended by revising the table to read as follows:

§ 121.253 Arsanilic acid.

* * * * *

(c) * * *

ARSANILIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Arsanilic acid	90 (0.01%)			For chickens and turkeys; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
1.2 Arsanilic acid	90 (0.01%)	Penicillin	2.4-50	For broiler chickens; as procaine penicillin; withdraw 5 days before slaughter.	Do.
1.3 Arsanilic acid	90 (0.01%)	Penicillin + streptomycin.	14.4-50	For broiler chickens; as procaine penicillin + streptomycin sulfate; 14.4-50 gm. of combination containing 16.7% of penicillin; withdraw 5 days before slaughter.	Do.
a. 1.1	90	Amprolium	36.3-227 (0.004%-0.025%)	§ 121.210, table 1, items 1.1, 2.1, 3.1.	§ 121.210, table 1, items 1.1, 2.1, 3.1.
b. 1.1, 1.2, or 1.3	90	do	113.5-227 (0.0125%-0.025%)	§ 121.210, table 1, item 2.1.	§ 121.210, table 1, item 2.1.
c. 1.1, 1.2, or 1.3	90	do	113.5-227 (0.0125%-0.025%)	§ 121.210, table 1, item 2.2.	§ 121.210, table 1, item 2.2.
		+			
		Ethopabate	3.6 (0.0004%)		
d. 1.1	90	Zoalene, with or without:	36.3-170.3 (0.004%-0.01875%)	For chickens and turkeys; as prescribed in § 121.207, table, items 1, 2, 3.	§ 121.207 table, items 1, 2, 3.
		i. Penicillin	2.4-50	For chickens; as prescribed in § 121.207, table, items 2, 3; as procaine penicillin.	§ 121.207, table, items 2, 3.
		ii. Penicillin plus bacitracin.	3.6-50	For chickens; as prescribed in § 121.207, table, items 2, 3; not less than 0.6 gm. of penicillin nor less than than 3.0 gm. of bacitracin; as procaine penicillin plus bacitracin, bacitracin methylene disalicylate, manganese bacitracin, or zinc bacitracin.	Do.
		iii. Bacitracin	4-50	For chickens; as prescribed in § 121.207, table, items 2, 3; as bacitracin bacitracin methylene, disalicylate, manganese bacitracin, or zinc bacitracin.	Do.

(Sec. 409(c)(1), 72 Stat. 1786 as amended 76 Stat. 785; 21 U.S.C. 348(c)(1))

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463, as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the Commissioner finds that

animal feed containing amprolium and arsanilic acid is safe and efficacious for use in the amounts and under the conditions prescribed in Part 121 of this chapter. Therefore, § 146.26 is amended in the following respects:

Paragraph (b) (44) and (54) is amended by changing the first sentence in each subparagraph to read as indicated below:

§ 146.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(44) It is a medicated chicken or turkey feed containing antibiotics and amprolium, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated amprolium-antibiotic medicated feed that contained not more than 0.05 percent amprolium. * * *

* * * * *

(54) It is a medicated feed for growing broiler and replacement chickens; it contains amprolium, ethopabate (methyl-4-acetamido-2-ethoxy benzoate), and antibiotics, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter; and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 0.05 percent amprolium and not more than 0.0016 percent ethopabate. * * *

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

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

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

(Sec. 409(c)(1), 507(c), 59 Stat. 463 as amended; 72 Stat. 1786 as amended; 76 Stat. 785; 21 U.S.C. 348(c)(1), 357(c))

Dated: September 30, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64-10256; Filed, Oct. 7, 1964; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6759]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Receipt of Minimum Distributions From Controlled Foreign Corporations

Correction

In F.R. Doc. 64-9633, appearing at page 13323 of the issue for Friday, September 25, 1964, the following changes should be made:

1. Section 1.693-1, on page 13325, should be numbered § 1.963-1.

2. On page 13337, § 1.963-4(c)(2)(ii)(*a*) should read as follows:

(*a*) The foreign income tax which is paid or accrued by a foreign corporation for such year, by reason of the receipt and payment of earnings and profits counting toward such minimum distribution, is deemed paid under subdivision (i)(*a*) or (*b*) of this subparagraph,

3. In the 3d column on page 13339, ".96", shown as the last item under "A", should appear under "B".

4. In the 2d column on page 13340, "$0.52" in the 2d line should read "0.52", "$0.90" and "$0.52" in the 13th line should read "0.90" and "0.52", and "$0.52" in the 45th line should read "0.52".

5. In the 3d column on page 13340, "[0.22×0.26]" in the 28th line should read "[0.22+0.26]".

6. On page 13341, item (c) of Example (4) should read:

(c) Based upon the distributions which are made by corporations A, B, and C, M Corporation pays United States tax as follows for 1963 and 1964:

7. On page 13341 in the table headed "1963", "O" should be inserted on the last line under "B".

8. On page 13342, the year "1963" heading the two double columns should read "1964" in both instances.

9. In the 6th line on page 13342, "$0.52" should read "0.52".

10. On page 13343, the year "1963" heading the double column should read "1964".

11. In the 1st column on page 13346, "[0.20+$30]" in the 11th line should read "[0.20×$30]".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Television Broadcasting in Guam, Mariana Islands

By Order dated September 21, 1964, the Commission amended the Table of Frequency Allocations in § 2.106 of the rules to delete the availability of television broadcast Channel 4 (66-72 Mc/s) for use by television broadcast stations in Guam, Mariana Islands, prior to July 1, 1970. Subject to agreement by the Commission, frequencies within that band may be authorized for use by Government stations in the maritime mobile service in the Mariana Islands and vicinity, until July 1, 1970. Through inadvertence, a concomitant amendment of § 73.603 of the Commission rules was omitted.

Accordingly, it is hereby ordered, That pursuant to the authority contained in sections 4(j) and 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules, § 73.603 of the Commission's rules is amended, effective October 8, 1964, by adding the following new paragraph (d):

§ 73.603 Numerical designation of television channels.

* * * * *

(d) In Guam, Mariana Islands, the frequency band 66-72 Mc/s (Television Channel 4) is not available for use by television broadcast stations prior to July 1, 1970. Subject to agreement by the Commission, frequencies within this band may be authorized until July 1, 1970, for use by Government stations in the maritime mobile service in the Mariana Islands and vicinity.

(Secs. 4, 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: October 2, 1964.

Released: October 2, 1964.

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

[F.R. Doc. 64-10259; Filed, Oct. 7, 1964; 8:49 a.m.]

[Docket No. 14711; FCC 64-904]

PART 73—RADIO BROADCAST SERVICES

Multiple Ownership of Standard, FM and Television Broadcast Stations

Memorandum Opinion and Order. 1. In a Report and Order (FCC 64-445) released in this proceeding on June 9, 1964, and published in the FEDERAL REGISTER on June 12, 1964 (29 F.R. 7535) we amended the "duopoly" portions of the multiple ownership rules (§§ 73.35, 73.240, and 73.636) effective July 16, 1964. Prior to amendment, they were couched in terms of prohibiting parties from owning, controlling, or operating (1) standard broadcast stations if their primary service contours overlapped substantially, (2) FM broadcast stations which served substantially the same area, and (3) television broadcast stations which served substantially the same area. The amendments substituted for these general norms the following fixed standards: (1) Standard broadcast stations—no overlap of predicted or measured 1 mv/m contours, (2) FM broadcast stations—no overlap of the predicted 1 mv/m contours, and (3) television broadcast stations—no overlap of the predicted Grade B contours.

2. In addition to the foregoing, the amendments specified that the new requirements would apply to applicants for new stations, major changes in existing stations, assignments of licenses, and transfers of control (except for assignments or transfers which are pro forma or by operation of law); that they would not apply to Class IV standard broadcast stations requesting power increases; that they would not apply to television stations which are primarily "satellite" operations; and that they would not require divestiture, by any licensee, of existing facilities, but that commonly owned stations with prohibited overlapping contours could not be transferred or assigned to a single person or entity.

3. The Commission now has before it petitions for reconsideration of the aforementioned Report and Order, and petitions for stay of the effective date of the new amendments adopted therein.[1] Many of the points raised in the petitions for reconsideration are substantially the same as those previously considered in this proceeding. We have disposed of them in the Report and Order released June 9, 1964, herein and adhere to our original reasoning and decisions concerning them, which were reached after careful consideration. They will therefore be given no further discussion here.[2]

4. Some petitioners raise matters which are considered at this stage either for the purpose of clarifying or elaborating our previously expressed views on the subject, for disposing of new arguments which we believe merit consideration, or because they make suggestions for modifications of the rules which we believe to be appropriate.

Overlap Existing After Major Change in Facilities

5. CBS and American Broadcasting Stations, Inc., et al. (American) observe that the new rules state, in part, that a license will not be granted if the grant will result in any overlap of the kind proscribed for the particular broadcast service. They point out that since the new rules apply to applicants for major changes of existing facilities, this would appear to mean that a station in an overlap situation before the effective date of the new rules could not obtain a license for a major change which might result in a degree of overlap less than or the same as that existing before the proposed change, but could only obtain an authorization for a major change if it resulted in removing all overlap. CBS and American respectively urge that the rule should permit such major changes if there is no increase or no substantial increase in overlap. It is the intent of the Commission that after a major change of facilities of such a station, overlap need not be eliminated but may be equal to or less than that existing previously, and may consist partly or entirely of terrain not included in the previous overlap as long as the amount of area subjected to overlap is not increased, absent a substantial increase in "overlap" population. We are amending the rules accordingly.[3]

Computation of UHF Grade B Contours

6. The petition of American Broadcasting Stations, Inc., et al., directs attention to the fact that the newly adopted amendment to § 73.636 prohibits overlap of Grade B contours of television stations computed in accordance with § 73.684 of the rules. That section specifies that the distance to the field intensity contours of UHF stations shall be calculated in accordance with the F (50,50) field intensity chart in Figure 9 of § 73.699. Petitioners state that the use of the Figure 9 curves for UHF is inappropriate because the field strength indications therein are too optimistic for UHF service. It is averred that the Notice here, although not specifically so stating, implied the use of the "Appendix A" curves appearing in the Commission's T.R.R. Report No. 2.4.16, dated October 22, 1956, in the calculation of Grade A contours for UHF stations in connection with the Grade A overlap rule which was proposed in the Notice. It is suggested that we should permit the same method to be used in calculating the Grade B contours which we have adopted as the standard.

7. It is true that the Notice herein implied that the "Appendix A" curves could be used in the calculation of contours of UHF stations in connection with the duopoly rules. However, we anticipate issuing in the near future a Notice of Proposed Rule Making that will invite comments on proposed new curves for UHF which the Commission's staff has developed. Since for certain powers and heights the proposed new curves will be more optimistic with regard to Grade B coverage than the "Appendix A" curves (although less optimistic than the Figure 9 curves) we believe it would not be appropriate to adopt the "Appendix A" standard, if the purposes of the duopoly rule are to be achieved. We adhere to our original decision to use Figure 9 in calculating UHF Grade B contours for the purposes of the overlap rules pending the adoption of new curves which should not be too far in the future. However, as a matter of policy, in the meantime individual cases in which the applicant can show that it is in the public interest to use different criteria will be dealt with on an ad hoc basis.

Applicability of the New Rules

8. Footnote 23 of the Report and Order stated that the new rules, the effective date of which was July 16, 1964, would apply to pending applications, including hearing cases, as well as to new applications. It touched briefly on the possibility of amendment of pending applications to comply with the new rules, and ended by saying that non-conforming applications not amended to comply would be dismissed when the new rules became effective. In a Public Notice (FCC 64–636) released July 9, 1964, the Commission announced its decision to liberalize this policy so that applications in hearing status concerning which a Hearing Examiner had released an Initial Decision prior to June 9, 1964 (the date of release of the Report and Order herein), would be disposed of under the old overlap rules in effect prior to July 16, 1964.

9. Some of the petitions for reconsideration request that the policy expressed in footnote 23 be changed so that the new rules will not be applicable to any applications which were on file on June 9, 1964, the release date of the Report and Order. Another request asks that they not apply to applications in hearing status with regard to which the record has been closed.

10. In reaching our May decision in this matter, we considered the question of whether or not the new rules should be applied to all applications, including those previously filed, or only to applications tendered in the future. Obviously, the adoption of any over-all rule more strict than previous rules may adversely affect applications filed under the earlier rules, and assertions of equitable claims in such cases are frequently made,

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[1] Petitions for reconsideration were timely filed by the following: Vetreans Broadcasting Company, Inc.; Columbia Broadcasting System, Inc.; American Broadcasting Stations, Inc., et al.; William N. Udell; Abacoa Radio Corporation; Tidewater Broadcasting Company, Inc.; Northern Indiana Broadcasters, Inc.; Association on Broadcasting Standards, Inc.; Metromedia, Inc.; Storer Broadcasting Company; Southeastern Broadcasting Corporation; and The Broadcasting Company of the South. Petitions for stay were filed by: Station WFRA, Franklin, Pa.; William N. Udell; Abacoa Radio Corporation; Tidewater Broadcasting Company; Northern Indiana Broadcasters, Inc.; Storer Broadcasting Company; Veterans Broadcasting Company, Inc.; and American Broadcasting Stations, Inc., et al.

[2] As before, several parties urge that the ad hoc approach be used for dealings with duopoly problems instead of the fixed standards adopted in the new rules. Our reasons for adopting fixed standards are stated in the Report and Order and are not repeated here. In addition to arguing for the ad hoc approach, some petitions for reconsideration state that the fixed standard policy of the new overlap rules is inconsistent with the Commission's recently adopted policy (Memorandum Opinion and Order, FCC 64–590, released July 8, 1964) in Docket Nos. 14895 and 15233 under which, pending the outcome of the proceedings therein, we decided that we would treat on an ad hoc basis the question of imposing conditions on applications for microwave facilities intended to serve CATV systems located between the Grade A and Grade B contours of local television stations. The duopoly and the CATV situations involve dissimilar considerations, and therefore there is no inconsistency in our policies with regard to them.

[3] In general, the standard used in these situations will be that of area, as in our new AM assignment rules, rather than the much more complicated criterion of population. Such a standard will fulfill our objective of keeping commonly owned or controlled stations a reasonable distance apart. However, there may be situations where, with no increase in area, the "overlap" population would be increased by such an amount that the change in facilities would not be in the public interest. In these situations the Commission must reserve the power to deny the application, and the new rules so provide.

as they have been here.[4] But any "equities" must be secondary to the public interest. As we emphasized in the Report and Order, we regard the adoption of fixed standards concerning duopoly to be a matter of great importance in the public interest. Ad hoc determinations hitherto made have not resulted in a satisfactory pattern of administration. Therefore, we decided that, while divestiture of existing facilities would not be required, pending applications as well as future applications would be governed by the new rules. Later, as mentioned, we made an exception in hearing cases where the parties and the Hearing Examiner had been through the burden of hearing and the Hearing Examiner had prepared his Initial Decision. This we believe to be a reasonable balance under the circumstances, and we affirm our decisions in this respect.

WAIVERS

11. Many comments in this proceeding urged that the nature of the overlap problem is such that it needed to be treated on an ad hoc basis, as in the past, rather than on the basis of a fixed rule of the type adopted herein. In discussing this matter in the Report and Order (footnote 12), we pointed out that the adoption of a fixed rule did not mean that all flexibility is lost. We referred to the fact that the Commission continues to have the duty to make the "ultimate judgment whether the grant of a license would serve the 'public interest, convenience, or necessity.'" N.B.C. v. U.S., 319 U.S. 190, 225 (1943). And, citing U.S. v. Storer Broadcasting Co., 351 U.S. 192 (1956), we stated that a request for waiver of the new rule which showed on its face that application of the rule would be inappropriate would be entitled to a hearing.

12. Several parties in their petitions for reconsideration refer to the matter of waivers. Their arguments go in two directions. On the one hand it is stated that the hoped-for efficiency and definiteness of the approach of the fixed rule will not in fact materialize because requests for waiver will be entitled to a hearing and it is likely that duopoly hearings will continue to be held in the future although in the context of requests for waiver. On the other hand, it is averred that the fixed rule is likely to be administered so strictly that it will be an absolute rule with no waivers granted and no flexibility whatsoever, contrary to the N.B.C. and Storer cases.

13. We cannot agree with either of these arguments. Concerning the former, it may be pointed out that under the Storer case not all requests for waiver must be granted a hearing. Only those which set forth reasons, sufficient if true, to justify a waiver need be accorded such treatment. Thus no plethora of waiver hearings is to be expected. With regard to the latter argument, it is said that the new fixed rule is premised on the theory that contour overlap is the only factor of importance in deciding overlap problems, regardless of the existence of numerous particulars that formerly were given consideration under an ad hoc approach. Hence, it is stated, to grant a waiver based on special circumstances arising out of particular facts would be to deny the validity of the premise underlying the new rule; and waivers, therefore, cannot be expected to be granted. This does not follow. In adopting a fixed rule, we did so for the reasons stated in the Report and Order which led us to the conclusion that such a rule would be in the public interest. But we did not and do not now deny the existence of other factors that could be of importance in duopoly situations, and it certainly does not follow that adoption of the fixed rule forever forecloses giving consideration to the existence of special circumstances if waivers are requested.[5]

MAJOR CHANGES IN EXISTING FACILITIES

14. In paragraph 23 of the Report and Order we stated that the new overlap rules would apply to applications for major changes in existing facilities as well as for new facilities. Several petitioners urge that the new rules, effective July 16, 1964, should not apply to applications for major changes of facilities of stations which were in existence prior to July 16 ("older" stations), but only to major changes of stations authorized on or after that date. They argue that, as now applicable, the rules would effectively "freeze" some of the "older" stations in their present facilities. As some of these petitioners point out, the reason given in paragraph 23 for applying the new rules to applications for major changes as well as to applications for new stations—to prevent an applicant from getting a grant of facilities with intentionally limited service area to avoid overlap and then applying later for increased facilities which would involve it—applies to stations authorized in the future more than to existing stations. However, this is not the only reason for our decision on this aspect of the matter. Clearly, overlap resulting from increases in facilities is just the same, and has the same undesirable effects, as overlap from grant of new stations. Therefore, while we recognize (as mentioned before) that some "older" stations may have to continue with relatively limited facilities, in our view it is appropriate to apply the new rules to applications for increases in facilities, whether for stations now existing or for stations authorized in the future, except for now-existing UHF stations as discussed below.

15. The foregoing principle is appropriate as a general policy. However, consideration of another factor moves us to relax that position insofar as major changes in existing UHF stations are concerned. In the joint petition of American Broadcasting Stations, Inc., et al. it is urged that prohibition of Grade B overlap involving UHF stations would inhibit the full development of UHF television, contrary to the expressed policy and past actions of the Commission. Petitioners point out that to foster UHF television, the Commission has, among other things, adopted measures relaxing certain technical requirements for UHF stations.[6] In addition, petitioners mention that in a number of cases UHF stations have facilities which could and should be changed to improve coverage and competitive position, and that many of these stations contemplated future improvement when originally authorized under the then existing rules. They thus argue that the Grade B overlap standard works against the development of UHF not only with regard to new stations, but with regard to existing stations, and would favor a relaxation of the new rules in both types of situation. With regard to new UHF stations, we believe that while it is conceivable that a relaxation of the duopoly rules might hasten UHF development to a limited extent, it would be at the expense of diversity of programming and desired competition. On balance, we believe the loss in diversity would outweigh the speculative and limited gains which may be achieved in UHF development. In this connection, it must be borne in mind that we hope that ultimately UHF stations will exist in large numbers. It would not be appropriate to relax our standards for what will be a very large portion of the television service.

16. However, with regard to UHF stations now in existence, there are additional considerations. As pointed out by this petitioner, a number of these stations filed originally for relatively limited facilities, hoping to expand later as the economics of this service warranted. Many UHF operations have lost substantial sums during the lean early days of UHF. In our view, it would not be appropriate to adopt, as to existing UHF stations, rules stricter than those under which they applied originally. Moreover, to deny such stations the opportunity to improve service by new, stricter duopoly rules might tend to keep them in an inferior position competitively, thus thwarting the developments we have otherwise tried to encourage. Such denial could conceivably lead to a station's demise, thus lessening diversity and competition which it is the purpose

[4] Some of the petitions urging such claims mention particular situations which were later covered by our Public Notice concerning hearing cases in which an Initial Decision had been reached.

[5] Storer, in its petition for reconsideration makes an additional argument in support of the view that the fixed rules will be treated as absolutes in violation of the N.B.C. and Storer decisions. It states that in a case wherein it requested a waiver of the concentration of control portion of the multiple ownership rules concerning television stations, the Commission required an impossible burden of proof in support of a waiver request. Storer Broadcasting Company, FCC 56-1133, 14 Pike & Fischer, R.R. 742 (1956). The simple answer to this argument, as a reading of the case will show, is that the burden was not impossible but merely had not been met.

[6] Second Report and Order, Docket No. 14229, FCC 63-300, released April 2, 1963; Memorandum Opinion and Order, Docket No. 14229, FCC 63-300, released April 2, 1963; In addition, we have taken other steps toward this end, which include urging the passage of the all-channel receiver law, adopting and implementing rules, and authorizing the formation of an industry advisory committee—the Committee for the Full Development of All-Channel Broadcasting—for the purpose of expediting the expansion of UHF television service.

of these rules to achieve. The number of UHF stations now authorized is not large enough that overlap occurring from this source would substantially impinge on over-all diversity of programming and opportunity for competition. Therefore, as to major changes of UHF stations authorized as of September 30, 1964, which would result in Grade B overlap with a commonly owned, operated, or controlled television station, the two stations having been under common ownership, operation, or control as of September 30, 1964, the new Grade B standard will not apply. Section 73.636 set forth below is amended accordingly. As stated therein, applications of such stations for major changes will be considered on a case by case basis.

SATELLITE TELEVISION OPERATIONS

17. The new rules do not apply to television stations which are primarily "satellite" operations. The Report and Order and the new Note 4 to § 73.636 state that such operations will be examined on a case by case basis to determine whether a station is or is not primarily a satellite, and whether overlap with a commonly owned station exists to a degree contrary to the public interest. On further consideration of this matter, we believe that some discussion and elaboration of the satellite concept is in order.

18. A satellite station is one operating on a channel specified in the television Table of Assignments and meeting all of the technical requirements of our rules, but one which usually originates no local programming and which may, and often does, involve overlap with a commonly owned "parent" station to a degree which would not be consistent with the duopoly rules. It rebroadcasts the programming of the parent station, usually a station under the same ownership in the same region. Such stations have been authorized, since 1954, on the basis of relaxation of our policies concerning local program origination and, if necessary, waiver of § 73.636 as to overlap. The purpose has been to bring television service to small communities and sparsely settled areas where there is insufficient economic basis for a full-scale television operation. It has been our hope—fulfilled in many instances—that satellite stations would develop with time into more nearly full-scale operation, with local studios and local program origination.

19. We have no doubt that it is in the public interest to authorize satellite television stations. Nor do we doubt the wisdom of exempting them from the duopoly rule as we have done, in the interest of promoting service to the kind of areas they are intended to accommodate. In addition, we are of the opinion that satellites which ultimately achieve a financial base that permits them to originate local programming should be permitted to do so. Otherwise, local programming would be kept off the air contrary to the public interest. Accordingly, Note 4 to § 73.636 is amended to state specifically that a satellite television station having Grade B overlap with a commonly owned non-satellite parent television station may subsequently become a non-satellite station with local studios and locally originated programming. However, if a satellite has Grade B overlap with a commonly owned non-satellite parent station and the satellite achieves a position in which the amount of locally originating programming is such that the station is no longer a satellite, the rules prohibiting transfer or assignment of commonly owned stations with Grade B overlap to a single person, group, or entity will apply.

20. As mentioned, satellites involve a deviation from general Commission policy with respect to local programming, as well as to overlap. We shall require all applicants proposing such operations to make a showing as to why the satellite form of operation is necessary for the community for which they are applying. Our decision will depend on the facts of each case; but in general satellite grants will be made only in communities having no local television station. We have deviated from this principle in some past situations, but it does not appear equitable or in the public interest to relax our policies and rules for one station when its competitor in the same town is held to a higher standard and when the community appears able to support a full-scale operation. Any extension of this principle (for example, when there is an existing regular station in a nearby community) will be determined in individual situations. As mentioned in the Report and Order, where Grade B overlap would exist, consideration will also be given in each case to whether the degree of overlap with a commonly owned station is such as to be inconsistent with the public interest. Also, when the matter arises, individual consideration will be given to the question of whether a station is "primarily a satellite."

OTHER MATTERS

21. The petitions for stay filed herein request that the effective date of the new duopoly rules be extended until (1) the conclusion of Commission action on petitions for reconsideration, or (2) until conclusion of court appeals. With regard to the former request, it is now moot inasmuch as our action today disposes of the petitions for reconsideration.[7] As to the second request, we regard it as premature. The appropriate time for filing of such a request for stay is on or after the date of filing of a court appeal. No such appeal has been filed.

22. In view of the foregoing: *It is ordered*, That effective October 12, 1964, Part 73 of the Commission rules and regulations is amended as set forth below. Because these amendments relieve a restriction, because they are partly editorial in nature, and because it is in the public interest that they become effective as soon as possible in order to complement rules which became effective July 16, 1964, the usual thirty-day effective date provisions of section 4 of the Administrative Procedure Act are inapplicable.

23. *It is further ordered*, That the petitions for reconsideration mentioned in footnote 1 of this document are denied, except for that filed by Columbia Broadcasting System, Inc., which is granted, and the Joint Petition for Reconsideration by the Commission filed by American Broadcasting Stations, Inc., et al. which is granted insofar as it is consistent with the action taken herein and which in other respects is denied.

24. *It is further ordered*, That the petitions for stay mentioned in footnote 1 of this document are dismissed.

25. Authority for the adoption of the amendments to the rules herein is contained in sections 4 (i) and (j), 303, 307(b), and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 405, 48 Stat. 1066, as amended, 1082, as amended, 1083, and 1095, as amended; 47 U.S.C. 154, 303, 307, 405)

Adopted: September 30, 1964.

Released: October 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.35 of the Commission rules is amended by adding the word "or" at the end of paragraph (a) which follows the introductory text and by changing the second sentence of Note 3 and adding parenthetical material following that sentence so that paragraph (a) and Note 3 will read as follows:

§ 73.35 Multiple ownership.

* * * * *

(a) Such party directly or indirectly owns, operates, or controls one or more standard broadcast stations and the grant of such license will result in any overlap of the predicted or measured 1 mv/m groundwave contours of the existing and proposed stations, computed in accordance with § 73.183 or § 73.186; or

* * * * *

NOTE: Paragraph (a) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) will apply to applicants for new stations, assignments of licenses, transfers of control (except those applications for assignment of license or transfer of control listed in § 1.540(b) of this chapter), and major changes in existing stations except major changes that will result in overlap no greater in area than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a) of this section may not be transferred or assigned to a single person, group, or entity. Paragraph (a) of this section will not

[7] We note, however, that prior to the August recess, in view of the fact that our reconsideration was not then complete, and so that no hardship would be worked on any party and the normal processes of the Commission would not be disrupted, dismissing of applications not conforming with the new rules was suspended by the Commission on its own motion. That suspension has continued to and terminates as of the present date.

[8] Concurring statement of Commissioner Lee in which Commissioner Hyde concurs filed as part of the original document.

be applied to Class IV stations requesting power increases.

* * * * *

2. Section 73.240 of the Commission rules is amended by adding the word "or" at the end of subparagraph (1) of paragraph (a) and by changing the second sentence of Note 3 and adding parenthetical material following that sentence so that subparagraph (1) of paragraph (a), and Note 3 will read as follows:

§ 73.240 Multiple ownership.

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls one or more FM broadcast stations and the grant of such license will result in any overlap of the predicted 1 mv/m contours of the existing and proposed stations, computed in accordance with § 73.313; or

* * * * *

NOTE 3: Paragraph (a) (1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) (1) will apply to applicants for new stations, assignments of licenses, transfers of control (except those applications for assignment of license or transfer of control listed in § 1.540(b) of this chapter), and major changes in existing stations except major changes that will result in overlap no greater in area than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a) (1) of this section may not be transferred or assigned to a single person, group, or entity.

* * * * *

3. Section 73.636 of the Commission rules is amended by adding the word "or" at the end of subparagraph (1) of paragraph (a), and by changing Note 3 and Note 4 to read as follows:

§ 73.636 Multiple ownership.

(a) * * *

(1) Such party directly or indirectly owns, operates, or controls one or more television broadcast stations and the grant of such license will result in overlap of the Grade B contours of the existing and proposed stations, computed in accordance with § 73.684; or

* * * * *

NOTE 3: Paragraph (a) (1) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Paragraph (a) (1) will apply to applicants for new stations, assignments of licenses, and transfers of control (except those applications for assignment of license or transfer of control listed in § 1.540(b) of this chapter). Paragraph (a) (1) will not be applied to major changes in UHF television broadcast stations authorized as of September 30, 1964, which will result in Grade B overlap with another television broadcast station that was commonly owned, operated, or controlled as of September 30, 1964. Such major changes will be considered on a case by case basis to determine whether such overlap exists with a commonly owned, operated, or controlled station as to be against the public interest. Paragraph (a) (1) will apply to major changes in other television broadcast stations, except changes that will result in overlap no greater in area than that already existing. (The resulting overlap areas in such major change cases may consist partly or entirely of new terrain. However, if the population in the resulting overlap areas substantially exceeds that in the previously existing overlap areas, the Commission will not grant the application if it finds that to do so would be against the public interest, convenience, and necessity.) Commonly owned stations with overlapping contours prohibited by paragraph (a) (1) of this section may not be transferred or assigned to a single person, group, or entity.

NOTE 4: Paragraph (a) (1) of this section will not be applied to television stations which are primarily "satellite" operations. Television "satellite" operations will be considered on a case by case basis in order to determine whether such overlap exists with a commonly owned, operated, or controlled station as to be against the public interest. Whether or not a particular station which does not present a substantial amount of locally originated programming is primarily a satellite operation will be determined on the facts of the particular case. An authorized and operating "satellite" television station the Grade B contour of which overlaps that of a commonly owned, operated, or controlled "non-satellite" parent television station may subsequently become a "non-satellite" station with local studios and locally originated programming. However, such commonly owned "non-satellite" stations with Grade B overlap may not be transferred or assigned to a single person, group, or entity.

* * * * *

[F.R. Doc. 64-10260; Filed, Oct. 7, 1964; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Monte Vista National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

MONTE VISTA NATIONAL WILDLIFE REFUGE

The public hunting of pheasants and rabbits on the Monte Vista National Wildlife Refuge, Colorado, is permitted only on the area designated by signs as open to hunting. This open area, comprising 5,314 acres, is delineated on maps available at refuge headquarters, Monte Vista, Colorado, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants and rabbits subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 14 through November 22, 1964, inclusive.

(2) The open season for hunting rabbits on the refuge extends from November 14 through December 30, 1964, inclusive.

The provisions of this special regulation supplement the regulations which government hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 30, 1964.

JOHN C. GATLIN,
Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10241; Filed, Oct. 7, 1964; 8:48 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho; Correction

In F.R. Doc. 64-9207, appearing on page 12828 of the issue for Friday, September 11, 1964, paragraph 1 should read as follows:

The public hunting of ducks, coots, and gallinules on the Deer Flat National Wildlife Refuge, Idaho, is permitted from October 10, 1964 through January 24, 1965, inclusive, but only on the area designated by signs as open to hunting. In addition, the hunting of geese is permitted on the Snake River Islands Unit. This open area, comprising 4,000 acres, is delineated on maps available at refuge headquarters, Nampa, Idaho, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oreg. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

PAUL QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10243; Filed, Oct. 7, 1964; 8:48 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of pheasants, quail and cottontail rabbits on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,890 acres, is delineated on maps available at refuge headquarters, 5 miles southwest of Kirwin, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico,

87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail and cottontail rabbits subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 14 through December 27, 1964, inclusive.

(2) The open season for hunting quail on the refuge extends from November 21 through December 6, inclusive, and December 8, 10, 12, 13, 15, 17, 19, 20, 22, 24, 25, 26, 27, 29 and 31, 1964, and January 1, 2 and 3, 1965, inclusive.

(3) The open season for cottontail rabbits on the refuge shall be only on those days during the open season for the taking of pheasants and quail.

(4) Shooting hours shall be from sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 3, 1965.

JOHN C. GATLIN,
Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10244; Filed, Oct. 7, 1964; 8:48 a.m.]

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEVADA

PAHRANAGAT NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, quail, and cottontail rabbits on the Pahranagat National Wildlife Refuge, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1040 acres, is delineated on maps available at refuge headquarters, Desert Game Range, 712 Vegas Drive, P.O. Box 440, Las Vegas, Nevada, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97203.

Hunting shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for hunting pheasants extends from November 1 through November 15, 1964. The open season for hunting quail extends from November 1 through December 31, 1964. The open season for hunting cottontail rabbits extends from October 1, 1964, through January 31, 1965.

(2) Hunters will report at such checking stations as may be established when entering or leaving the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1965.

PAUL T. QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 30, 1964.

[F.R. Doc. 64-10245; Filed, Oct. 7, 1964; 8:48 a.m.]

PART 32—HUNTING

California; Colusa National Wildlife Refuge et al.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

CALIFORNIA

COLUSA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Colusa National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,180 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

DELEVAN NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Delevan National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

MERCED NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Merced National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,160 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

SACRAMENTO NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Sacramento National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,000 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

SUTTER NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants on the Sutter National Wildlife Refuge, California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,100 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland, Oregon, 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Pheasants may be hunted only on the following days: November 21, 22, 25, 26, 28, 29 and December 2, 5 and 6, 1964.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1964.

PAUL QUICK,
Regional Director,
Portland, Oregon.

SEPTEMBER 28, 1964.

[F.R. Doc. 64-10253; Filed, Oct. 7, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 256]

FISHING VESSEL CONSTRUCTION DIFFERENTIAL SUBSIDY PROCEDURES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 12, 1960 (P.L. 86–516; 46 U.S.C. 1401–1413), as amended, it is proposed to revise 50 CFR Part 256 as set forth below. The purpose of the revision is to incorporate those changes necessitated by the enactment of the United States Fishing Fleet Improvement Act (P.L. 88–498) which was approved on August 30, 1964. This Act amended the Act of June 12, 1960, by extending the date for receipt of applications and changed the eligibility requirements as well as increasing the maximum amount of the subsidy which can be paid. Due to the numerous changes being proposed, the procedures will be more readily understood if the entire part is revised.

This proposed regulation relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, whenever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 256 reads as follows:

Sec.

AUTHORITY: The provisions of this Part 256 issued under sec. 10, P.L. 86–516, as amended.

§ 256.1 Basis and purpose.

(a) The Act of June 12, 1960 (P.L. 86–516), as amended and hereinafter referred to as the Act, authorizes the Secretary of the Interior to pay a subsidy for the construction of fishing vessels in shipyards of the United States.

(b) The purpose of this part is to prescribe rules and regulations governing the payment of these subsidies.

§ 256.2 Definitions.

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Administrator.* The Maritime Administrator in the Department of Commerce or his authorized representative.

(c) *Person.* Individual, association, partnership or corporation, or any one or all as the context requires.

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish and shellfish. To be considered as operating in a fishery, the catch of species in that fishery must amount to at least fifty-one percent (51%) (at the option of the owner by ex-vessel weight or ex-vessel value) of the total catch of the vessel during the calendar year.

(e) *Expanded areas.* Fishing grounds not usually fished by the majority of the vessels operating in the fishery for which the proposed vessel is designed.

(f) *Newly developed gear.* The most modern gear available that is suitable for use in the fishery for which the proposed vessel is designed.

§ 256.3 Eligibility requirements.

(a) Vessel will be of advance design: In order to be considered to be of advance design, the vessel must be designed to have significant advantages in utility and efficiency over a significant number of vessels engaged in the fishery in which the proposed vessel is designed to operate.

(b) No economic hardship to efficient vessel operators: The determination that operation of a proposed vessel will not cause economic hardship to efficient vessel operators already operating in that fishery shall be made by the Secretary after notice and hearing, taking into consideration the condition of the resource, the efficiency of the vessels and gear being operated in that fishery compared with the proposed vessel, the prospects of the market for the species caught, and the degree and duration of any anticipated economic hardship.

(c) Aid in the development of the United States fisheries: For the vessel to aid in the development of the United States fisheries under conditions that the Secretary considers to be in the public interest, the vessel must be a modern vessel which will upgrade the fleet. Special consideration will be given to vessels which will provide a significant contribution in helping the domestic fishery meet foreign competition.

(d) The applicant possesses the ability, experience, resources and other qualifications necessary to enable him to operate and maintain the proposed new fishing vessel. In making this determination, the Secretary will inquire into the economic feasibility of the fishing venture and will require reasonable assurance that the applicant can operate the vessel profitably.

§ 256.4 Applications.

Applications for a subsidy shall be made on forms prescribed by the Secretary and shall be filed with the Director, Bureau of Commercial Fisheries, Washington, D.C. The applications must be accompanied by three copies of the cross section, deck arrangement, outboard profile, and specifications of the proposed vessel. The Secretary may require such additional complete detailed construction plans as may be necessary after a review of the application and accompanying plans and specifications.

§ 256.5 Notice and hearing.

After receipt of an application eligible on its face for a construction differential subsidy the Secretary will publish a Notice of Hearing on a Subsidy Application in the FEDERAL REGISTER and hold hearings in accordance therewith. The purpose of the hearing will be to provide any person who feels he will be economically injured by the construction of the proposed vessel to cross-examine witnesses and/or present evidence that the operation of such vessel will cause economic hardship to efficient vessel operators already operating in the fishery for which the vessel is designed. Hearing procedures will be held in accordance with Part 257 of this subchapter.

§ 256.6 Subsidy contract.

(a) A contract for the payment of the subsidy will take effect when all contracts between the applicant for such subsidy and the shipbuilder, who is to construct such vessel, have been approved by the Administrator and the subsidy contract has been signed by the Secretary and the applicant; and

(b) The contract shall contain a finding of the useful life of the vessel as determined by the Secretary to be used in computing the amount of the total depreciated construction subsidy to be repaid to the Secretary in accordance with section 9 of the Act.

§ 256.7 Vessel operations.

(a) If the owner of a fishing vessel constructed with the aid of a subsidy desires to operate it in a different fishery than the one for which it was designed because of an actual decline in that particular fishery, he shall submit an application to the Secretary for permission to transfer the operations of the vessel to a different fishery. The application shall contain data showing the decline in the fishery for which the vessel was designed, how this decline is making the operation of the vessel uneconomical or less economical, and why the transfer will not cause economic hardship or injury to efficient vessel operators already operating in the fishery to which he wishes to transfer operations.

(b) Upon receipt of such an application the Secretary will publish a Notice of Hearing on an Application to Change Fishery in the FEDERAL REGISTER and

hold hearings in accordance therewith. The purpose of the hearings will be to provide any person who feels he will be economically injured by said transfer of fishing operations an opportunity to cross-examine witnesses and/or present evidence that such a transfer of operations will cause economic hardship or injury to efficient vessel operators already operating in the fishery to which the vessel's operations would be transferred. Hearing procedures will be held in accordance with Part 257 of this subchapter.

§ 256.8 Penalties.

In case the Secretary shall find that a vessel has operated contrary to the provisions of the Act or of regulations issued thereunder, he shall immediately notify the owner in writing of the specific acts involved and the amount of the penalty. The vessel owner may appeal such a finding to the Secretary in writing within 30 days of the date of mailing such finding to the last known address of the vessel owner. The amount of penalty assessed in any one year shall be equal to the total subsidy paid multiplied by the ratio that one year bears to the total number of years determined, by the Secretary, as the useful life of the vessel: *Provided, however,* That if this amount is not paid within 60 days after receipt of notice then the amount due shall be the total amount of the subsidy paid depreciated to the beginning of the year in which the vessel operated unlawfully. Any amount due hereunder shall constitute a maritime lien against the vessel effective at the time the Secretary determines that the vessel has operated in violation of the Act or regulations.

§ 256.9 Inspection of vessels.

The Secretary or the Administrator shall have access at all times to all vessels which are being constructed under a contract providing for a construction subsidy provided for by the Act.

§ 256.10 Payment of subsidy.

The subsidy will be paid to the applicant after the vessel is completed and evidence of full payment to the shipyard constructing the vessel is presented; or jointly to the applicant and the shipyard upon completion and delivery of the vessel.

ROBERT M. PAUL,
Deputy Assistant Secretary of the Interior.

OCTOBER 2, 1964.

[F.R. Doc. 64-10252; Filed, Oct. 7, 1964; 8:48 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 22]

SECOND CLASS MAILING PRIVILEGES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 64-10161, published on page 13822 in the issue for Wednesday, October 7, 1964, the next to last sentence of § 22.3(c)(3) should read: "The delivery arrangements provided by subparagraph (4) of this paragraph are for use by publishers who desire to mail copies at post offices located near the office of original entry."

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Parts 610, 612, 614, 615]

[Administrative Order No. 586]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 69-D for the men's and boys' clothing and related products industry in Puerto Rico (as defined in 29 CFR 615.1); Industry Committee No. 69-A for the needlework and fabricated textile products industry in Puerto Rico (as defined in 29 CFR 612.1); Industry Committee No. 69-B for the corsets, brassieres, and allied garments industry in Puerto Rico (as defined in 29 CFR 614.1); and Industry Committee No. 69-C for the children's dress and related products industry in Puerto Rico (as defined in 29 CFR 610.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene each of the above-appointed industry committees;

(b) Refer to each of these industry committees the following: (1) The question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the Act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held by each of them at the times and places indicated below. Each industry committee shall investigate conditions in its industry, and each industry committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act.

Industry Committee No. 69-D shall meet in executive session to commence its investigation at 10:00 a.m. on November 30, 1964, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1:30 p.m. on the same date at the same place. Following this hearing Industry Committees Nos. 69-A, 69-B, and 69-C shall meet seriatim at the same place at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

Each industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.25 per hour, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.15 per hour for immediate effect and $1.25 per hour for effect on and after September 3, 1965, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever any industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry that may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determing the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare economic reports for the industry committees containing such data as he is able to assemble pertinent to the matters referred to them. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each industry committee shall take official notice of the facts stated in the economic reports to the extent that they are not refuted at the hearings.

The procedure of industry committees shall be governed by 29 CFR, Part 511. As a prerequisite to participation in the hearings, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than November 20, 1964.

Signed at Washington, D.C., this 2d day of October 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-10266; Filed, Oct. 7, 1964; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-57]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate a control zone at Decatur, Illinois.

Having completed a comprehensive review of airspace requirements at Decatur, Illinois, the Federal Aviation Agency proposes to establish a control zone at Decatur, Illinois.

The proposed Decatur control zone would be designated to comprise that airspace within a 5-mile radius of the Decatur Municipal Airport (latitude 39°50'03'' N., longitude 88°52'52'' W.) and within 2 miles each side of the Decatur VOR 351° radial extending from the 5-mile radius zone south to the VOR from 0600 to 2200 hours local time daily.

A Federal Aviation Agency control tower is planned for commissioning at the Decatur, Illinois, Municipal Airport during the spring of 1965. The proposed control zone designation will become effective concurrent with the commissioning of this tower.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on September 29, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-10209; Filed, Oct. 7, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-58]

CONTROL ZONE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to designate controlled airspace at Alton, Ill.

A Federal Aviation Agency Control Tower is planned for commissioning at the Civic Memorial Airport, Alton, Illinois, during the spring of 1965. There is no control zone presently designated at Alton, Ill.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Alton terminal area, proposes the following airspace action:

Designate a control zone at Alton, Illinois, to comprise that airspace within a 5-mile radius of the Civic Memorial Airport (latitude 38°53'28'' N., longitude 90°03'02'' W.), and within 2 miles each side of the 009° bearing from the Civic Memorial Airport extending from the 5-mile radius zone to 7 miles N of the airport, and within 2 miles each side of the 103° bearing from the Civic Memorial Airport extending from the 5-mile radius zone to 8 miles east of the airport from 0600 to 2200 hours, local time, daily.

The Alton, Ill., control zone will become effective concurrently with the commissioning of the Federal Aviation Agency Control Tower at Civic Memorial Airport.

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

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on September 29, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-10210; Filed, Oct. 7, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63-SW-91]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Wichita Falls, Tex., terminal area.

The following controlled airspace is presently designated in the Wichita Falls, Tex., terminal area:

1. The Wichita Falls, Tex., control zone is designated as that airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex.; within 2 miles either side of the centerline of the SE/NW runway extending from the 5-mile radius zone to 10 miles SE of the Wichita Falls LOM, and within 2 miles either side of the Wichita Falls VORTAC 286° radial extending from the 5-mile radius zone to 10 miles W of the VORTAC.

2. The Altus, Okla., control area extension is designated as that airspace bounded on the NE by V-17, on the SE by V-77, on the S by V-102, on the W by V-14 from Lubbock, Tex., to Childress, Tex., and V-114, from Childress, Tex., to Amarillo, Tex., and on the NW by V-12 excluding the portion of this control area extension which coincides with R-5601.

3. The Fort Worth, Tex., control area extension is designated as that airspace bounded on the NE, E and SE by V-163 extending from the Oklahoma City, Okla., 25-mile radius area to the Ardmore, Okla., VOR, and V-15 from the Ardmore VOR to the Waco, Tex., VORTAC, on the S and SW by V-17 from the Waco VORTAC to its INT with V-94, thence via V-94 to the Abilene, Tex., 35-mile radius area, on the W and NW by V-77, and on the N by the Oklahoma City 25-mile radius area.

4. The Wichita Falls, Tex., control area extension is designated as that airspace bounded on the NW by V-102 S alternate, on the E by V-77, and on the S by V-278.

5. The Abilene, Tex., control area extension is designated as that airspace

within a 35-mile radius of the Abilene VOR, the airspace N of Abilene bounded on the E by V–77, on the N by V–278 E of Guthrie, Tex., VOR and V–102 W of Guthrie VOR, on the SW by a line 5 miles NE of the Lubbock VOR 101° and the Abilene VOR 327° radials; the airspace NW of Abilene within 8 miles W of the Abilene VOR 344° radial extending from the VOR to 46 miles NW; the airspace SE, S and SW of Abilene bounded on the N by V–94, on the E by V–163, on the S by V–76 N and on the SW by V–76, excluding the portion that coincides with the arc of a 35-mile radius circle centered on the San Angelo, Tex., VOR and on the NW by V–66, and including the airspace W of Abilene within 8 miles N and 12 miles S of the Abilene VOR 266° radial extending from the VOR to the arc of a 35-mile radius circle centered on the Big Spring, Tex., VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Wichita Falls, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace actions:

1. Redesignate the Wichita Falls, Tex., control zone as that airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex. (latitude 33°58'55'' N., longitude 98°29'35'' W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

2. Designate the Wichita Falls, Tex., transition area as that airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 34°11'30'' N., longitude 98°38'00'' W.; to latitude 34°07'30'' N., longitude 98°25'30'' W.; to latitude 33°50'30'' N., longitude 98°11'30'' W.; to latitude 33°46'00'' N., longitude 98°-14'00'' W.; to latitude 33°43'00;; N., longitude 98°27'30'' W.; to latitude 33°-52'00'' N., longitude 98°33'00'' W.; to latitude 33°51'00'' N., longitude 98°-39'00'' W.; to latitude 33°57'30'' N., longitude 98°48'30'' W., to latitude 34°09'-00'' N., longitude 98°45'30'' W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 34°10'00'' N., longitude 97°49'00'' W.; thence E via latitude 34°10'00'' N. to and counterclockwise along the arc of a 25-mile radius circle centered at the Ardmore Airport, Ardmore, Okla. (latitude 34°18'00'' N., longitude 97°00'50'' W.), to longitude 97°-18'00'' W.; thence S via longitude 97°-18'00'' W.; to latitude 33°56'00'' N., longitude 97°18'00'' W.; to latitude 33°-48'00'' N., longitude 97°44'00'' W.; to latitude 33°34'00'' N., longitude 97°-44'00'' W.; to latitude 33°22'00'' N., longitude 97°55'00'' W.; to latitude 33°-16'00'' N., longitude 98°30'00'' W.; to latitude 33°16'00'' N., longitude 98°-51'00'' W.; to latitude 33°02'00'' N., longitude 98°51'00'' W.; to latitude 32°-52'00'' N., longitude 99°02'00'' W.; to latitude 32°52'00'' N., longitude 99°-14'00'' W.; to latitude 33°31'00'' N., longitude 99°14'00'' W.; to latitude 33°-31'00'' N., longitude 99°49'00'' W.; to latitude 33°56'00'' N., longitude 99°-42'30'' W.; to latitude 34°15'00'' N., longitude 99°30'00'' W.; to latitude 34°-08'00'' N., longitude 99°05'00'' W.; to latitude 34°21'00'' N., longitude 98°-46'00'' W.; to point of beginning.

3. Revoke the Wichita Falls control area extension.

The floors of the airways and the portions of the Altus, Fort Worth and Abilene control area extensions that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area. The revocation of the Altus, Forth Worth and Abilene control area extensions will be accomplished at a later date as a part of the CAR Amendments 60–21/60–29 program proposed for the terminal areas which adjoin the Wichita Falls terminal area.

The proposed alteration to the Wichita Falls control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Sheppard AFB/Municipal Airport. The proposed designation of the 1,200 foot floor portion of the Wichita Falls transition area and the revocation of the Wichita Falls control area extension would raise the floor of controlled airspace from 700 to 1,200 feet above the surface beyond the immediate vicinity of the Wichita Valley and the Sheppard AFB/Municipal Airports, yet sufficient controlled airspace would be retained to provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Wichita Falls terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

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

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Texas. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on September 30, 1964.

P. M. SWATEK,
Acting Director, Southwest Region.

[F.R. Doc. 64–10211; Filed, Oct. 7, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 63–SW–113]

CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 [New] of the Federal Aviation Regulations, which would alter the controlled airspace in the Brownsville, Tex., terminal area.

The following controlled airspace is presently designated in the Brownsville, Tex., terminal area:

1. The Brownsville, Tex., control zone is designated as that airspace within a 5-mile radius of Rio Grande Valley International Airport, Brownsville, Tex. (latitude 25°54'25'' N., longitude 97°25'-25'' W.); within 2 miles either side of the 343° bearing from the Brownsville RBn extending from the 5-mile radius zone to 8 miles NW of the RBn, and within 2 miles either side of the Brownsville VOR 071° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC, excluding the portion outside the United States.

2. The McAllen, Tex., control zone is designated as that airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40'' N., longitude 98°14'25'' W.); within 2 miles either side of the McAllen VOR 095° and 322° radials, extending from the 5-mile radius zone to 7 miles E and NW of the VOR, excluding the portion outside of the United States.

3. The Brownsville, Tex., control area extension is designated as that airspace over the United States within a 40-mile radius of the Brownsville VORTAC S of latitude 26°30'00'' N.; within 5 miles either side of the Harlingen, Tex., VOR 013° radial extending from the VOR to V–68, and that airspace W of V–68 S of

latitude 26°31'00" N., and E of longitude 98°00'00" W.

4. The McAllen, Tex., transition area is designated as that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 26°30'00" N., on the E by longitude 98°00'00" W., on the W by longitude 98°30'80" W. and on the S by the United States/Mexican border.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Brownsville, Tex., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. Redesignate the Brownsville control zone as that airspace within a 5-mile radius of Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'25" W.); within 2 miles each side of the 344° bearing from the Brownsville RBn extending from the 5-mile radius zone to 7 miles N of the RBn, and within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 7 miles E of the VORTAC, excluding the portion outside the United States.

2. Redesignate the McAllen control zone as that airspace within a 5-mile radius of Miller International Airport (latitude 26°10'40" N., longitude 98°14'25" W.), within 2 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 7 miles east of the VOR, within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the 5-mile radius to 7 miles northwest of the VOR, and within two miles each side of the 320° bearing from latitude 26°12'20" N., longitude 98°16'-05" W., extending from the 5-mile radius zone to 7 miles NW of latitude 26°12'20" N., longitude 98°16'05" W., excluding the portion outside the United States.

3. Revoke the Brownsville control area extension.

4. Designate the Brownsville, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rio Grande Valley International Airport (latitude 25°54'25" N., longitude 97°25'-25" W.), within 2 miles each side of the Brownsville ILS localizer N course extending from the 7-mile radius area to 8 miles north of the OM, within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 7-mile radius area to 8 miles E of the VORTAC, and within 2 miles each side of the 344° bearing from the Brownsville RBn extending from the 7-mile radius area to 8 miles N of the RBn, excluding the portion outside the United States; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 26°30'00" N., longitude 98°18'00" W.; to latitude 36°51'00" N., longitude 97°58'-30" W., to latitude 26°50'00" N., longitude 97°51'00" W.; thence NE to a point 3 nautical miles from the shoreline at latitude 27°11'20" N.; thence 3 nautical miles from and parallel to the shoreline south to the United States/Mexican border, thence W via the United States/Mexican border to longitude 98°25'00" W.; thence N via longitude 98°25'00" W. to latitude 26°17'00" N., longitude 98°25'00" W.; to point of beginning.

5. Designate the Harlingen, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°-12'10" N., Longitude 97°45'10" W.), and within 2 miles each side of the Harlingen VOR 337° and 157° radials extending from the 5-mile radius area to 8 miles N of the VOR.

6. Redesignate the McAllen, Tex., transition area as that airspace extending upward from 700 feet above the surface within 2 miles each side of the McAllen VOR 095° radial extending from the VOR to 8 miles E, within 2 miles each side of the 320° bearing extending from latitude 26°12'20" N., longitude 98°16'-05" W. to 8 miles NW, and within 2 miles each side of the McAllen VOR 322° and 324° radials extending from the VOR to 8 miles NW.

The floors of the airways that would traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

The proposed alteration of the Brownsville and McAllen control zones would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Rio Grande Valley and Miller International Airports.

The proposed designation of the 1,200 foot floor portion of the Brownsville transition area and the revocation of the Brownsville control area extension would raise the floor of the controlled airspace beyond the immediate vicinity of the Rio Grande Valley International, Harlingen Municipal, and Miller International Airports from 700 to 1,200 feet above the surface, yet the transition areas proposed would provide protection for aircraft executing prescribed instrument holding, arrival and departure procedures within the Brownsville terminal area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Texas.

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

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Texas. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Texas, on September 30, 1964.

PHILLIP M. SWATEK,
Acting Director,
Southwest Region.

[F.R. Doc. 64-10212; Filed, Oct. 7, 1964; 8:45 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 64-SO-53]

TEMPORARY RESTRICTED AREA

Proposed Designation

The United States Air Force has submitted a proposal to the Federal Aviation Agency which would require amendment of § 73.62 of the Federal Aviation Regulations by establishing a temporary restricted area southwest of Nashville, Tennessee.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Agency has been requested by the U.S. Air Force to designate a temporary joint-use restricted area, described herein, to encompass air maneuvers in support of a proposed joint U.S. Air Force-U.S. Army exercise referred to as GOLD FIRE II. The exercise would be conducted during the period of March 1 through March 30, 1965. The Air Force has stated that the inten-

sity and frequency of military air activity during the period of use would be of such a nature as to prohibit absorption of the normal flow of non-participating aircraft into the area without serious degradation of air safety. If the proposal is adopted, the temporary restricted area for GOLD FIRE II would be designated as follows:

Boundaries. Beginning at latitude 36°05′ N., longitude 88°20′ W.; to latitude 36°10′ N., longitude 87°30′ W.; to latitude 36°06′ N., longitude 87°19′ W.; to latitude 35°45′ N., longitude 87°05′ W.; to latitude 35°35′ N., longitude 87°09′ W.; to latitude 35°33′ N., longitude 87°13′ W.; to latitude 35°18′ N., longitude 87°19′ W.; to latitude 34°50′ N., longitude 87°20′ W.; to latitude 34°52′ N., longitude 88°00′ W.; to latitude 35°10′ N., longitude 88°30′ W.; to the point of beginning.

Designated Altitudes. Surface to and including 10,000 feet MSL, except that part of the area north of a line connecting 35°29′ N., 88°26′30″ W.; and 35°51′ N., 87°09′ W. where the ceiling would be 8,000 feet MSL.

Time of Designation. Continuous from 0001 c.s.t., March 1, 1965, to 2359 c.s.t., March 30, 1965.

Controlling Agency. Federal Aviation Agency, ARTCC, Memphis, Tennessee.

Using Agency. U.S. Air Force Forces, Strike Command (USAFSTRIKE). Langley AFB, Virginia.

At this time, specific details of the proposed exercise are not available. However, it would involve the employment of two infantry divisions, one airborne division, one air assault division, sixteen tactical fighter squadrons, two tactical reconnaissance squadrons, eight troop-carrier squadrons, and numerous other supporting Air Force troop-carrier and fighter aircraft. Although subject to adjustment, the total number of Air Force aircraft participating in the exercise, together with Army fixed wing and rotary aircraft, would be approximately 900.

Although no live ordnance would be expended, activities which would be conducted in the area would include troop and equipment drops, high speed jet-fighter aircraft simulating dive bomb, napalm, rocket and strafing attacks, and jet reconnaissance aircraft conducting numerous missions over employment bases in the exercise area. In addition, extensive air-landed assaults would be executed in support of ground forces. U.S. Army drone aircraft may be used within the area, thereby creating additional hazards to VFR aircraft. All tactical air maneuvers would be contained within the restricted airspace through direct control of an appropriate military Air Traffic Regulation Center and associated Combat Reporting Centers utilizing radar. The U.S. Army Corps of engineers plans to contact owners of airfields within the proposed restricted area to negotiate agreements for use of those airfields.

The Air Force has also advised the Agency that if a restricted area is designated, they will enter a joint-use agreement with Memphis ARTC Center, the controlling agency, and will release the entire area, or portions thereof, to the ARTC Center when not in use for the purpose designated. The Air Force also plans to make provisions for civil and non-participating military pilots to contact the Exercise Director by reverse-charge telephone calls for authorization to conduct flights within the area. Approval of such requests would be contingent upon the type and location of exercise activities in progress at the time of the proposed flight.

It is believed that the magnitude of this exercise, and the implied inflexibility of the request for the airspace necessary to conduct pertinent operations, might create serious inconveniences to the large number of nonparticipating aircraft operating from and through the area. Consequently, this proposal will be discussed at an Informal Airspace Meeting in the Atlanta Regional Office on October 13, 1964. The Agency earnestly solicits the attendance and comments of all interested persons at this meeting. Depending upon the results of the October 13, 1964 meeting, other informal airspace meetings may be scheduled.

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

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

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10213; Filed, Oct. 7, 1964; 8:46 a.m.]

[14 CFR Part 73 [New]]

[Airspace Docket No. 64–WE–44]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 [New] of the Federal Aviation Regulations which would change the time of designation of Restricted Area R–2525 at Vernalis, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

At present, the time of designation for Restricted Area R–2525 is from "one hour before sunrise to one hour after sunset." The amendment proposed herein would change the time of designation to "one hour before sunrise to 2200 hours P.s.t." The necessity of this change is due to increased emphasis being placed on night ordnance delivery training for fleet units of the U.S. Navy. It is anticipated that the activity will continue for an indefinite period of time.

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

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

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10214; Filed, Oct. 7, 1964; 8:46 a.m.]

[14 CFR Part 91 [New]]

[Reg. Docket No. 1620; Draft Release No. 63–8]

OPERATION ON AND IN VICINITY OF AIRPORTS WITHOUT CONTROL TOWER

Withdrawal of Advance Notice of Proposed Rule Making

On February 20, 1963, the Federal Aviation Agency published an advance notice of proposed rule making (14 CFR Part 60) concerning the operation of aircraft on or in the vicinity of airports without a control tower. The notice indicated that § 60.18(c) of the Civil Air Regulations [now recodified as Federal Aviation Regulation § 91.89 [New]] presently contains provisions dealing with communications requirements, the direction of turns when landing, and compliance with established traffic patterns when departing airports not having a control tower. The Agency believed it necessary to determine whether the present requirements of § 60.18(c) were adequate, or whether it was necessary for safety reasons to provide additional provisions such as traffic pattern entry procedures, traffic pattern altitude and speed requirements, use of specific runways, crosswind operations and avoidance of traffic patterns by en route aircraft. The public was invited to submit written comments and suggestions concerning this proposal. In addition, the Agency scheduled a series of informal conferences to be conducted during October and November 1963, at Philadelphia, Birmingham, Des Moines, Houston, Denver, Phoenix, Seattle, Oakland, Anchorage, and Honolulu, so that interested persons could express their opinions and make recommendations.

Many segments of the aviation industry responded through written comment to the advance notice. Because of the number and diversity of these comments, no effort will be made to individually treat them in this notice. The Agency also made a written record of the comments, opinions and recommendations expressed by persons who appeared at the various informal conferences.

After reviewing the comments and reconsidering all facets of this matter, it has been determined that at this time

the present regulation is adequate and a more definitive traffic pattern rule would serve no useful purpose. A universally applicable standard traffic pattern rule would be excessively burdensome to aircraft operators. The complexities associated with catering to the diverse circumstances and situations at the large number of airports in the United States would constitute overregulation and provide little if any improvement in safety. The proposed rule change would therefore not be in the public interest.

In consideration of the foregoing, the advance notice of proposed rule making entitled "Operation on and in the Vicinity of Airports Without a Control Tower," and circulated as Notice 63–8, is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 64–10215; Filed, Oct. 7, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6228]

AIRWORTHINESS DIRECTIVE

Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive for Boeing 707 and 720 Series aircraft. There have been reports of malfunction of the horizontal stabilizer trim control system at altitude, as well as possible malfunction of the stabilizer position warning system. To correct these conditions this AD requires modification of the horizontal stabilizer trim control system to provide for improvement in reliability of operation.

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 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 November 9, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required as indicated.

Service experience has shown the need for certain modifications in the horizontal stabilizer trim control and position warning systems.

Accordingly, accomplish the following:

(a) Within 3,000 hours' time in service after the effective date of this AD:

(1) On Models 707 and 720 Series aircraft, modify stabilizer trim green band rigging and limit in accordance with Boeing Service Bulletin No. 1699(R–1)B or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) On Model 707 Series aircraft, modify stabilizer trim electrical limit in accordance with Boeing Service Bulletin No. 1990 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within 5,000 hours' time in service after the effective date of this AD:

(1) On Models 707 and 720 Series aircraft, modify stabilizer trim actuator moisture control in accordance with Boeing Service Bulletin No. 1854 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) On Models 707 and 720 Series aircraft, modify actuator assembly secondary brake in accordance with Boeing Service Bulletin No. 1946 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

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

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–10216; Filed, Oct. 7, 1964; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[AA 643.3–b]

CHLORINATED PARAFFIN FROM ENGLAND

Exporter's Sales Price; Foreign Market Value

OCTOBER 5, 1964.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the exporter's sales price of chlorinated paraffin imported from England, manufactured by Imperial Chemical Industries Limited, England, is less or likely to be less than the foreign market value, as defined by sections 204 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 163 and 164).

Customs officers are being authorized to withhold appraisement of entries of chlorinated paraffin from England, manufactured by Imperial Chemical Industries Limited, England, pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

The allegation in this case was received on September 10, 1964, and was made by the Dover Chemical Corporation, Dover, Ohio.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 64–10172; Filed, Oct. 7, 1964; 8:45 a.m.]

Office of the Secretary

[Treasury Dept. Order 165–16]

ACTING COMMISSIONER OF CUSTOMS

Designation

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, Assistant Commissioner of Customs Lester D. Johnson is designated, effective upon the resignation of Philip Nichols, Jr., as Commissioner of Customs, to serve as Acting Commissioner of Customs with authority to perform all functions, without limitation, now authorized to be performed by the Commissioner of Customs. Mr. Johnson will continue to serve in this capacity until a new Commissioner of Customs has been appointed and assumes the duties of the office.

NOTE: The resignation of Philip Nichols, Jr. as Commissioner of Customs took effect on October 1, 1964, at 6:00 p.m. The designation of Lester D. Johnson as Acting Commissioner of Customs therefore became effective at that time.

Dated: September 30, 1964.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 64–10250; Filed, Oct. 7, 1964; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Forest Service, U.S. Department of Agriculture filed an application for withdrawal of lands from location and entry under the mining laws, serial number Los Angeles 0155815, on February 28, 1958. These lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential proclamation of February 25, 1893, and as such, have been open to entry under the mining laws.

Notice of proposed withdrawal and reservation of land under this application was published on October 2, 1962 (F.R. Doc. 62–9876).

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2310 (formerly 43 CFR Part 295), such lands will at 10:00 a.m. on Monday, October 26, 1964, be relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 2 N., R. 2 W.,
Sec. 25, SW¼SW¼NW¼;
Sec. 26, S½SE¼NE¼.
T. 2 N., R. 3 W.,
Sec. 21, S½N½NE¼SW¼NW¼, S½NE¼SW¼NW¼, NW¼SW¼NW¼, S½S½NW¼, NE¼SE¼NW¼, S½N½NW¼SE¼NW¼, S½NW¼SE¼NW.

The area described aggregates 105 acres.

GLENDON E. COLLINS,
Acting Manager.

[F.R. Doc. 64–10232; Filed, Oct. 7, 1964; 8:48 a.m.]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Forest Service, United States Department of Agriculture filed an application for withdrawal of lands from location and entry under the mining laws, serial number Riverside 05707, on September 9, 1964. Notice of proposed withdrawal and reservation of land under this application was published on September 17, 1964 (F.R. Doc. 64–9422). These lands have previously been withdrawn for the San Bernardino Forest Reserve by Presidential proclamation of February 25, 1893, and as such, have been open to entry under the mining laws.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2310 (formerly 43 CFR Part 295), such lands will be relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 N., R. 1 W.,
Sec. 22, lot 3.

The area described aggregates 2.50 acres.

GLENDON E. COLLINS,
Acting Manager.

[F.R. Doc. 64–10233; Filed, Oct. 7, 1964; 8:48 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Bureau of Reclamation of the Department of the Interior has filed an application, Serial Number Colorado 0123957, for the withdrawal from public entry, subject to existing valid claims, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), certain public lands in the sections and townships described below.

The applicant desires the land for reclamation purposes in connection with the Whitewater Unit, Colorado River Storage Project.

For a period of thirty 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 Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Insurance Exchange Building, 910 15th Street, Denver, Colo., 80202.

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 affected are:

UTE PRINCIPAL MERIDIAN, COLORADO

Township 2 South, Range 1 East In section 4.

Lands proposed to be withdrawn in the above designated area aggregate approximately 360 acres.

EVERETT K. WEEDIN,
Acting Land Office Manager.

[F.R. Doc. 64-10234; Filed, Oct. 7, 1964; 8:48 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 29, 1964.

The Department of Agriculture has filed an application, Serial Number Idaho 015692 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws, but excepting the mineral leasing laws.

The applicant desires the land for the proposed Montgomery Creek Townsite.

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, Post Office Box 2237, Boise, Idaho, 83701.

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 Department of Agriculture.

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:

BOISE MERIDIAN, IDAHO

COEUR D'ALENE NATIONAL FOREST

Montgomery Creek Townsite

T. 49 N., R. 3 E.,
Sec. 33, SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼, and the SE¼NW¼SE¼;
Sec. 34, NW¼SW¼NW¼.

The area described aggregates 90 acres of public lands in Shoshone County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 64-10235; Filed, Oct. 7, 1964; 8:48 a.m.]

MONTANA

Notice of Filing of Plat of Survey

OCTOBER 2, 1964.

1. Plat of survey of the land described below will be officially filed in the land office, Billings, Montana, effective at 10:00 a.m. on November 6, 1964:

PRINCIPAL MERIDIAN, MONTANA

T. 6 N., R. 20 W.,
Sec. 36, lot 1, SE¼NE¼, SE¼.

The area described contains 238.81 acres.

2. Except for and subject to valid existing rights, it is presumed that title to the above described lands passed to the State of Montana upon the acceptance of the above mentioned plat of survey, i.e., August 21, 1964.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-10236; Filed, Oct. 7, 1964; 8:48 a.m.]

[Montana 066939]

MONTANA

Order Providing for Opening of Public Lands

OCTOBER 2, 1964.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 14 N., R. 23 E.,
Sec. 19, NE¼NW¼.

The area described contains 40 acres.

2. The lands described above lie approximately five and one-half miles southwest of Grass Range, Montana. The topography is moderately rolling. The soil is a sandy loam. Vegetation consists of native short and mid-grasses with a thin stand of Ponderosa Pine suitable for posts and poles, the carrying capacity is estimated at 5A/AUM. Due to climatic, soil and topographic features, the subject lands are not suitable for sustained agricultural crops typical of this area.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to the filing of petition-applications, selections, and locations in accordance with the following:

(a) Petition-applications and selections under the nonmineral public land laws, except applications under the Small Tract Act, may be presented to the Manager mentioned below, beginning on the date of this order. Such petition-applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid petition-applications and selections under the nonmineral public land laws presented prior to 10 a.m., November 6, 1964, will be considered as simultaneously filed at that hour. Rights under such petition-applications and selections filed after that hour will be governed by the time of filing.

(b) The mineral rights in the lands described in paragraph 1 have been retained by the previous owner, as provided in section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended.

5. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Land Office Manager, Montana Land Office, 1245 North 29th Street, Billings, Mont., 59101.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 64-10237; Filed, Oct. 7, 1964; 8:48 a.m.]

[Nevada 064968]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Bureau of Land Management has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws or the disposal of material under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended.

The applicant desires the land to protect an existing deer winter range and

to develop public picnicking and camping sites.

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, Post Office Box 1551, Reno, Nev.

An authorized officer will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

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:

MOUNT DIABLO MERIDIAN, NEVADA

T. 14 N., R. 19 E.,
Sec. 1, W½ lot 1 of NE¼, lot 1 of NW¼, E½ lot 2 of NW¼, except lot 3, SW¼, W½SE¼;
Sec. 2, SE¼NE¼, E½SW¼, SE¼;
Sec. 11, NE¼, N½NW¼, SW¼NW¼, SE¼;
Sec. 12, W½NE¼, W½, SE¼;
Sec. 13;
Sec. 14, N½NE¼, SE¼NE¼, SE¼;
Sec. 23, NE¼;
Sec. 24, N½, NW¼SW¼.

The above described land contains approximately 3,114.58 acres.

DONALD I. BAILEY,
Acting Manager.

[F.R. Doc. 64–10238; Filed, Oct. 7, 1964; 8:48 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number New Mexico 0554897, for the withdrawal of lands described below from all forms of entry. Minerals are not owned by the United States. The applicant desires the lands for construction of a regulating reservoir in connection with an existing irrigation project in Quay County, New Mexico.

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, Manager, Land Office, Post Office Box 1449, Santa Fe, N. Mex., 87501.

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

NEW MEXICO

T. 10 N., R. 31 E.,
Sec. 16, W½E½, W½.

The area described contains 480 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 64–10239; Filed, Oct. 7, 1964; 8:48 a.m.]

[Utah 0140631]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 24, 1964.

The Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below, from all forms of appropriation except: Operation of the mining and mineral leasing laws.

The applicant desires the land for inclusion within the boundaries of the Cache National Forest and Wasatch National Forest. The Cache National Forest would be extended to include 1,079.95 acres of public land and 40 acres of private land. The Wasatch National Forest would be extended to include 261.57 acres of public land and 160 acres of private land. Rights of private land owners would be unaffected by the withdrawal. Under jurisdiction of the Forest Service, the lands would be fully utilized for all its resources with primary emphasis on watershed management.

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, Utah State Director, Post Office Box 11505, Salt Lake City, Utah, 84111.

The Department's regulations (43 CFR 2311.1–3(c)) provide that 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.

The authorized officer 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 applicant agency.

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:

SALT LAKE MERIDIAN, UTAH

CACHE NATIONAL FOREST

Public Lands

T. 7 N., R. 1 W.,
Sec. 34: Lots 3 and 4, E½SE¼.
T. 12 N., R. 2 E.,
Sec. 7: E½SW¼.
T. 13 N., R. 2 E.,
Sec. 6: Lot 1, SE¼NE¼.
T. 14 N., R. 2 E.,
Sec. 20: E½W½;
Sec. 29: NE¼NW¼, NE¼SW¼.
Containing 559.95 acres.
T. 6 N., R. 1 W.,
Sec. 10: E½, E½W½, NW¼NW¼.
Containing 520.00 acres.

Private Lands

T. 14 N., R. 2 E.,
Sec. 29: SE¼NW¼.
Containing 40 acres.

WASATCH NATIONAL FOREST

Public Lands

T. 5 N., R. 1 E.,
Sec. 30: S½.
Containing 261.57 acres.

Private Lands

T. 5 N., R. 1 E.,
Sec. 29: SW¼.
Containing 160.00 acres.

Total public lands in Cache and Wasatch National Forest, 1,341.52 acres; total private lands in Cache and Wasatch National Forest, 200.00 acres. Total, 1,541.52 acres.

R. H. NIELSON,
State Director.

[F.R. Doc. 64–10240; Filed, Oct. 7, 1964; 8:48 a.m.]

[Classification No. 133]

ALASKA

Small Tract Classification

OCTOBER 1, 1964.

1. Pursuant to authority redelegated to me by Bureau Order 684, dated August

28, 1961 (26 F.R. 6215) as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015) dated March 5, 1964, I hereby classify the following described lands, totaling 1.44 acres near Kenai, Alaska, as suitable for lease and for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Sec. 31, lots 175 to 178, inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands described in paragraph 1 were restored from withdrawal by Public Land Order No. 800 of February 1, 1952. They were retained in reserve status pending an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

4. The lands classified by this order shall not become subject to application under the Act of June 1, 1938 (52 Stat. 682a) as amended, until it is so provided by an order to be issued by an authorized officer opening the lands to applications or bids.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 64–10251; Filed, Oct. 7, 1964; 8:48 a.m.]

OREGON; ASSISTANT MANAGER, MINERALS ADJUDICATION BRANCH, ET AL.

Redelegation of Authority

SEPTEMBER 29, 1964.

1. Pursuant to the authority contained in section 2.1 of Bureau of Land Management Order No. 701 (29 F.R. 10526), authority is hereby redelegated to the assistant manager, Minerals Adjudication Branch, to take action for the manager in all matters listed in section 2.6 of the above-cited order, and to the assistant manager, Lands Adjudication Branch, to take action for the manager in all matters listed in section 2.9, and to the assistant manager, Records and Public Services Branch, authority within his specific area of responsibility to take action for the manager as follows:

SEC. 2.2 *General and miscellaneous matters.* * * *

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats, and other records.

* * * * *

SEC. 2.3 *Fiscal affairs.* * * *

(a) *Bonds.* * * *

(1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under the manager's jurisdiction.

(c) *Repayments.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR part 1822.

* * * * *

SEC. 2.6 *Minerals.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identfy the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

* * * * *

SEC. 2.9 *Land use.* * * *

Reject applications filed under legal authorities cited in these sections if any or all of the following conditions prevail:

(1) The official land title and use records reveal that the land applied for is unavailable for the requested purpose;

(2) The land description in the application is inadequate to identify the land, or land which applicant was obligated to include in the description was not listed;

(3) The application is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form);

(4) The requested land area does not meet legal requirements of compactness, contiguity, or acreage;

(5) The application was not successful in a public drawing held to establish priorities of conflicting applications.

2. The authority delegated by this order may not be redelegated.

Effective date: October 12, 1964.

DOUGLAS E. HENRIQUES,
Manager, Land Office.

Approved:

GARTH H. RUDD,
Acting State Director, Oregon-Washington Bureau of Land Management.

[F.R. Doc. 64–10265; Filed, Oct. 7, 1964; 8:49 a.m.]

Geological Survey

[Colorado 117]

COLORADO

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following-described lands, insofar as title thereto remains in the United States, are hereby classified as follows:

SIXTH PRINCIPAL MERIDIAN, COLORADO

COAL LANDS

T. 32 S., R. 64 W.,
Sec. 8, N½NE¼;
Sec. 19, lot 1;
Sec. 27, NW¼SE¼.
T. 33 S., R. 64 W.,
Sec. 5, lots 3 and 4.
T. 30 S., R. 65 W.,
Sec. 18, NE¼SW¼, W½SE¼;
Sec. 19, lot 3;
Sec. 22, NW¼NW¼;
Sec. 34, SE¼SE¼;
Sec. 35, W½SE¼, SE¼SE¼.
T. 31 S., R. 65 W.,
Sec. 1, lot 4, SW¼NW¼, W½SW¼;
Sec. 2;
Sec. 3, lots 1 and 2, S½NE¼, E½SE¼;
Sec. 6, lots 1 and 2, S½NE¼;
Sec. 10, E½;
Sec. 11, N½, SW¼, W½SE¼;
Sec. 12, W½NE¼, SE¼NE¼, NW¼;
Sec. 17, E½SW¼;
Sec. 28, SW¼NW¼;
Sec. 33, NE¼NE¼.
T. 32 S., R. 65 W.,
Sec. 4, N½SE¼;
Sec. 6, lots 2, 3, 5, and 7, SE¼NW¼, SE¼SW¼;
Sec. 7, lot 1, NE¼NW¼;
Sec. 9, W½SE¼, SE¼ SE¼;
Sec. 30, NE¼SW¼, SE¼;
Sec. 31, N½NE¼, NE¼NW¼;
Sec. 32, NW¼NW¼.
T. 33 S., R. 65 W.,
Sec. 4, SW¼SE¼;
Sec. 6, lot 5, SE¼NW¼, E½SW¼;
Sec. 12, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼;
Sec. 14, SW¼;
Sec. 18, lots 1, 2, 3, and 4, NE¼NE¼, E½W½, NE¼SE¼;
Sec. 19, lots 3 and 4, N½NE¼, SE¼NE¼, E½SW¼, SW¼SE¼;
Sec. 20, S½N½, W½SE¼;
Sec. 25, W½NW¼, SW¼, SW¼SE¼;
Sec. 26, E½, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 27, SW¼SW¼;
Sec. 28, S½SW¼, SW¼SE¼;
Sec. 29, W½NW¼;
Sec. 32, NW¼NE¼.
T. 29 S., R. 66 W.,
Sec. 8, SE¼NE¼, NE¼SE¼.
T. 30 S., R. 66 W.,
Sec. 14, NW¼SW¼, SE¼SW¼;
Sec. 23, S½SE¼;
Sec. 25, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 26, E½NE¼;
Sec. 29, NW¼SW¼;
Sec. 30, NW¼NE¼.
T. 31 S., R. 66 W.,
Sec. 1, SE¼NW¼;
Sec. 12, E½NE¼, NE¼SE¼;
Sec. 20, NW¼, SW¼SE¼;
Sec. 21, NW¼;
Sec. 33, W½SW¼.
T. 32 S., R. 66 W.,
Sec. 2, lot 3;
Sec. 4, lot 4;
Sec. 5, lot 1;
Sec. 12, S½SW¼;
Sec. 15, SW¼NE¼, NE¼SE¼;
Sec. 23, S½NE¼, SW¼SW¼, N½SE¼;
Sec. 26, SE¼SW¼, NE¼SE¼;
Sec. 28, E½SW¼, NW¼SE¼;
Sec. 31, lots 3 and 4, E½NE¼, E½SW¼;
Sec. 32, W½NW¼;
Sec. 33, SE¼.
T. 33 S., R. 66 W.,
Sec. 1, lots 1 and 2, S½NE¼;
Sec. 2, SE¼NE¼, SW¼NW¼, NW¼SW¼, E½SE¼;

Sec. 8, E½SE¼;
Sec. 11, NE¼NE¼;
Sec. 13, SW¼NE¼, SE¼;
Sec. 15, SW¼NE¼, W½;
Sec. 17, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, W½NE¼, SW¼SW¼, W½SE¼;
Sec. 21, N½NE¼, NE¼NW¼;
Sec. 22, W½;
Sec. 26, W½SW¼;
Sec. 27, N½SE¼, SW¼SE¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼, NW¼NW¼, SE¼NW¼;
Sec. 33, NE¼NE¼, N½NW¼, SE¼NW¼.

T. 27 S., R. 67 W.,
Sec. 32, SW¼.

T. 28 S., R. 67 W.,
Sec. 5, SW¼;
Sec. 6, lots 1 and 2, SE¼NE¼, SE¼;
Sec. 7, lots 1 and 2, E½NW¼;
Sec. 22, N½SE¼.

T. 29 S., R. 67 W.,
Sec. 12, SW¼SW¼;
Sec. 17, NE¼;
Sec. 35, NW¼NE¼, N½NW¼, SW¼NW¼.

T. 30 S., R. 67 W.,
Sec. 8, SE¼NW¼;
Sec. 15, SW¼NE¼, N½SW¼, NW¼SE¼;
Sec. 26, SW¼NE¼, SE¼NW¼, W½SE¼.

T. 31 S., R. 67 W.,
Sec. 11, NW¼NE¼, NE¼ SW¼;
Sec. 13, SW¼NW¼;
Sec. 14, NE¼, E½NW¼;
Sec. 15, N½N½, SE¼SE¼;
Sec. 21, S½NE¼, NE¼SE¼;
Sec. 22, SW¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼.

T. 32 S., R. 67 W.,
Sec. 5, SW¼;
Sec. 11, SW¼SE¼;
Sec. 12, N½SE¼;
Sec. 15, SW¼SE¼;
Sec. 25, SE¼SW¼;
Sec. 30, NE¼NE¼;
Sec. 31, E½SE¼;
Sec. 32, SW¼.

T. 33 S., R. 67 W.,
Sec. 3, SW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, E½NE¼;
Sec. 11, SE¼SW¼, S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 18, lots 2, 3, and 4, E½SW¼;
Sec. 19, lot 1, NW¼NE¼, NE¼NW¼;
Sec. 25, SE¼NE¼;
Sec. 29, lot 5.

T. 28 S., R. 68 W.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼;
Sec. 3, SW¼NE¼, S½NW¼;
Sec. 5, lots 3 and 4, S½NW¼;
Sec. 9, SW¼;
Sec. 12, NE¼, NW¼NW¼;
Sec. 13, N½, E½SW¼, W½SE¼;
Sec. 14, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼, NE¼SE¼;
Sec. 17, E½;
Sec. 27, S½SW¼, SW¼SE¼;
Sec. 28, SE¼NE¼.

T. 29 S., R. 68 W.,
Sec. 7, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, lots 3 and 4;
Sec. 32, SW¼NW¼, NW¼SW¼.

T. 30 S., R. 68 W.,
Sec. 6, lot 5;
Sec. 10, NE¼NE¼;
Sec. 20, NE¼NE¼;
Sec. 29, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 31, lots 2, 3, and 4, W½NE¼, E½W½.

T. 32 S., R. 68 W.,
Sec. 6, lot 1;
Sec. 7, lot 3;
Sec. 9, SW¼SE¼;
Sec. 12, N½NW¼;
Sec. 21, NW¼NW¼, S½NW¼.

T. 33 S., R. 68 W.,
Sec. 13, SE¼NE¼.

T. 30 S., R. 69 W.,
Sec. 11, SW¼NE¼;
Sec. 25, SW¼NE¼, NW¼SE¼.

RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following subdivisions as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

T. 32 S., R. 68 W.,
Sec. 19, NE¼NE¼;
Sec. 20, NW¼SW¼;
Sec. 29, NE¼NW¼, SW¼ SE¼;
Sec. 32, NE¼SE¼.
T. 33 S., R. 68 W.,
Sec. 5, lot 6.

The area described aggregates 19,397 acres, more or less, of which about 19,169 acres are newly classified as coal lands, and 228 acres previously classified as noncoal lands are now classified as coal lands.

R. H. LYDDAN,
Acting Director.

OCTOBER 1, 1964.

[F.R. Doc. 64–10223; Filed, Oct. 7, 1964; 8:46 a.m.]

[Idaho 15]

IDAHO

Phosphate and Nonphosphate Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following-described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T.2 N., R. 42 E.,
Sec. 22, E½NE¼;
Sec. 23, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Sec. 25, SW¼NW¼, W½SW¼;
Sec. 26, E½, E½NW¼;
Sec. 35, E½ NE¼;
Sec. 36, SW¼NE¼, NW¼, E½SW¼, NW¼SW¼, SE¼.

NONPHOSPHATE LANDS

T. 2 N., R. 42 E.,
Sec. 14, SW¼;
Sec. 15;
Sec. 17, S½;
Sec. 18, SE¼;
Secs. 19, 20, and 21;
Sec. 22, W½NE¼, NW¼, SW¼, SE¼;
Sec. 23, W½NE¼, NE¼NW¼, E½SE¼;
Sec. 25, NW¼NW¼, E½SW¼;
Sec. 26, W½NW¼, SW¼;
Secs. 27 to 34, inclusive;
Sec. 35, W½NE¼, W½, SE¼;
Sec. 36, NW¼NE¼, SW¼SW¼.

The area described totals about 11,275 acres, of which about 1,520 acres are classified as phosphate lands, and about 9,755 acres are classified as nonphosphate lands.

R. H. LYDDAN,
Acting Director.

OCTOBER 1, 1964.

[F.R. Doc. 64–10224; Filed, Oct. 7, 1964; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CENTRAL SOYA CO., INC.

Notice of Withdrawal of Petition for Proposed Food Additive Titanium Dioxide

With reference to food additive petition (FAP 1450) filed by Central Soya Company, Inc., Chemurgy Division, 825 North Laramie Avenue, Chicago 39, Ill., published in the FEDERAL REGISTER of August 1, 1964 (29 F.R. 11166), the Commissioner of Food and Drugs has concluded that the proposed use of titanium dioxide as set forth in the aforesaid notice of filing would be provided for under existing regulations issued pursuant to section 706 (Color Additives) of the Federal Food, Drug, and Cosmetic Act.

Accordingly, the above-noted food additive petition is withdrawn without prejudice.

(Sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b))

Dated: September 30, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64–10257; Filed, Oct. 7, 1964; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–154]

MARTIN-MARIETTA CORP.

Notice of Extension of Expiration Date

Please take notice that the Atomic Energy Commission has issued an order extending to September 30, 1965, the expiration date specified in license No. CX–18, as amended, concerning the Liquid Fluidized Bed Reactor located at Middle River, Md.

Copies of the Commission's order and of the application amendment by the Martin-Marietta Corp. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of September 1964.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64–10208; Filed, Oct. 7, 1964; 8:45 a.m.]

[Docket No. 50–229]

GENERAL ATOMIC DIVISION OF GENERAL DYNAMICS CORP.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that General Atomic Division of General Dynamics

Corporation, Post Office Box 608, San Diego, Calif., 92112, has submitted an application dated September 30, 1964, for a license to authorize the export of a 250 kilowatt thermal TRIGA Mark II research reactor to the Institute Josef Stefan, Ljubljana, Yugoslavia.

Upon finding that the reactor proposed for export is within the scope of the Agreement for Cooperation between the Government of the United States of America and the International Atomic Energy Agency, and unless within fifteen days after the publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the U.S. Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Ch. I, Part 2), the Commission proposes to issue to General Atomic Division of General Dynamics Corporation a facility export license on Form AEC–250 containing the authority set forth in the text below authorizing export of the reactor described in the application.

Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Ch. I, Code of Federal Regulations, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Ch. I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

A copy of the application, dated September 30, 1964, is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of October 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

PROPOSED EXPORT LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations of the U.S. Atomic Energy Commission issued pursuant thereto, and in reliance on statements and representations heretofore made, General Atomic Division of General Dynamics Corporation, Post Office Box 608, San Diego, Calif., 92112, is authorized to export a 250 kilowatt thermal TRIGA Mark II nuclear research reactor to the Institute Josef Stefan, Ljubljana, Yugoslavia, subject to the terms and provisions herein. The license to export extends to the licensee's duly authorized shipping agent.

Neither this license nor any right under this license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

This license is subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of said Act, now or hereafter in effect and to all valid rules and regulations of the U.S. Atomic Energy Commission. This license is effective as of the date of issuance and shall expire on November 30, 1965.

For the Atomic Energy Commission.

[F.R. Doc. 64–10299; Filed, Oct. 7, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15641; FCC 64–903]

INTERNATIONAL PANORAMA TV, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of International Panorama TV, Inc., Fontana, California, Docket No. 15641, File No. BPCT–3181; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned application of International Panorama TV, Inc. for a construction permit for a new television broadcast station to operate on Channel 40, Fontana, California, filed April 22, 1963, and various pleadings filed in connection therewith.[1] Channel 40 is allocated to Riverside, California, but the applicant has specified Fontana, California, as its principal community to be served, under the provisions of § 73.607(b) of the Commission's rules (the "15-mile" rule). Operating as proposed, with a transmitter and tower located on Mount Wilson near those of the Los Angeles stations, the proposed new station would place a principal city signal over the whole of Los Angeles as well as over Fontana and Riverside. Petitioner is the permittee of Television Broadcast Station KMEX–TV, Channel 34, Los Angeles, California, and alleges standing in this proceeding on the basis that the proposed new station would compete with the petitioner for revenues in the Los Angeles market and that as a result of the diversion of revenues from petitioner's station, the petitioner will suffer economic injury. The applicant disputes petitioner's standing in this proceeding, alleging that the petition to deny was not timely filed, no waiver of § 1.580(i) of the Commission's rules was requested, and, in any event, the petitioner has not shown that it is a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended.[2]

2. Section 1.580(i) of the Commission's rules requires a party in interest to file a petition to deny no later than 30 days after issuance of a public notice of the acceptance for filing of the application. Public notice of such acceptance for filing of this application was issued by the Commission on April 30, 1963 (Report No. 7018) and the petition to deny was filed May 18, 1964, nearly one year later. The petitioner did not, at the time it filed its petition, request a waiver of § 1.580(i) of the rules nor did it give any reason for its tardiness. In its reply to the applicant's opposition to the petition, the petitioner, for the first time and presumably because of the applicant's assertions as to the untimeliness of the petition, requested a waiver of the Rules. Petitioner admits that it had some evidence in its possession as early as November 1963, which raised question as to the character qualifications of Angel Lerma Maler, President and 75 percent stockholder of the applicant corporation. More important, however, is the fact that the basis for the questions which the petitioner now seeks to raise regarding the applicant's financial qualifications, its conformity with section 307(b) of the Communications Act, and its efforts, if any, to ascertain the programming needs and interests of the area proposed to be served, existed at the time the application was filed and could have been raised by the petitioner within the time limit imposed by the rules. In view of these facts, we are unable to find that the petitioner has shown good cause for a waiver of § 1.580(i) of the Rules and its request for a waiver will, accordingly, be denied.[3] The petition, being untimely filed, will be dismissed and we do not, therefore, find it necessary to rule on the question of whether the petitioner has standing as a "party in interest."[4]

3. Although we are not, under the circumstances, required by statute to reach the question of the merits of the petition, in view of the importance to the public interest of the questions raised by the petitioner as to whether the applicant has the requisite qualifications as to be a broadcast licensee, we will treat the petition as an informal objection filed pursuant to § 1.587 of the Commission's rules and will consider the questions raised therein on our own motion.

4. We are asked to consider four questions in this matter: whether the applicant is financially qualified; whether a grant of the application would be consistent with section 307(b) of the Communications Act and § 73.606 of the Commission's rules (the television Table of Assignments); whether the applicant has attempted to ascertain the programming needs and interests of the area

[1] The Commission also has under consideration: (a) Petition to Deny, filed May 18, 1964, by Spanish International Broadcasting Company; (b) Opposition, filed July 15, 1964, to (a), above; and (c) Reply, filed August 8, 1964, by petitioner, to (b), above. The applicant and petitioner requested and were granted extensions of time within which to file their various pleadings. On August 1964, the applicant filed a "Response" to (c), above, together with a "Petition for Acceptance of Responsive Pleading", requesting the Commission to accept the "Response". Since the applicant's "Response" was filed in violation of § 1.45 of the Commission's rules limiting pleadings which may be filed in a proceeding, its "Petition for Acceptance of Responsive Pleading" will be denied, and the "Response" filed in connection therewith will be dismissed.

[2] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 60 S. Ct. 693, 9 RR 2008.

[3] United States v. Storer Broadcasting Corporation, 351 U.S. 192, 76 S. Ct. 763, 13 RR 2161; Oregon Radio, Inc., 14 RR 742.

[4] Valley Information Programs, Inc., FCC 64–61, 1 RR 2d 1077.

proposed to be served (the so-called "Suburban" issue); and whether the applicant has the requisite character qualifications to be a broadcast licensee, in view of the disparaging letters discussed below. We believe it appropriate to dispose of all matters raised by the petitioner and we will, accordingly, consider them seriatim.

5. The application shows that the total cost of construction of the proposed new station will be approximately $479,000 and cash in the amount of approximately $192,000 will be required for the construction and initial operation of the proposed station. To meet the total costs of construction, the applicant relies upon deferred credit of $332,824, a bank loan of $150,000, and loans from subscribers of approximately $42,000,[5] a total well in excess of the necessary $479,000. The cash requirement consists of a down payment on equipment amounting to $110,942; buildings, $20,000; other items, $15,000; initial operation, $45,000;[6] and current liabilities, $1,250. To meet these cash requirements, the applicant shows the availability of a bank loan of $150,000, subscribers' loans of approximately $42,000, and a loan, if required, from Panorama Latino TV, Inc., a corporation owned by Mr. Angel Lerma Maler.[7] It is apparent from the foregoing that the applicant is financially qualified to construct, own and operate the proposed new station.

6. The petitioner alleges also that a grant of the application would be inconsistent with section 307(b) of the Communications Act and the television Table of Assignments (§ 73.606 of the Commission's rules) on the grounds that the applicant's proposal constitutes an attempt to be a Los Angeles station rather than a Fontana station. In support of this conclusion, the petitioner states that the proposed station would place a principal city signal over all of Los Angeles (stronger, petitioner alleges, than that which will be placed over Fontana and Riverside), that the applicant's programming is directed to the Spanish speaking population of Los Angeles, and that the proposed transmitter site is on Mount Wilson among those of the Los Angeles stations. Petitioner seems to suggest that the applicant propose to broadcast "predominantly" in the Spanish language, indicating that the applicant seeks to be a Los Angeles station rather than a Fontana station. The facts do not support petitioner's contention that the applicant proposes to program "predominantly" in the Spanish language. Approximately 18 percent of applicant's programming will be in Spanish, and an additional 12 percent will be in other foreign languages, the remaining 70 percent being in English. Petitioner estimates that the 1960 population of Fontana (14,659) is approximately 4 percent Spanish (675 persons) and that approximately 9 percent of the population of Fontana are of foreign birth. We are persuaded that the applicant has formulated its programming to be responsive to the needs and interests of Fontana as well as the other segments of its proposed coverage area. Moreover, the fact that the applicant proposes to locate its transmitter on Mount Wilson among those of the Los Angeles stations and will provide a principal city signal to Los Angeles does not constitute it a Los Angeles station rather than a Fontana station.[8]

7. Petitioner alleges that the applicant has not adequately ascertained the programming needs and interests of the entire area to be served, pointing out that the applicant amended its original application to effect a change of proposed transmitter site of about 22 miles, but made no changes in its programming proposal. The application, however, contains affirmative representations that the applicant surveyed not only its principal community, but communities throughout the proposed service area to ascertain the programming tastes, needs and interests. One such survey was conducted prior to the filing of the application and a further survey was conducted subsequent thereto. Under these circumstances, we find that an issue with respect to the applicant's efforts to ascertain the programming needs and interests of its proposed area to be served is not warranted.

8. The basic problem presented by this case is the question of whether the applicant has the requisite character qualifications to be a broadcast licensee. In order to place our decision in proper perspective, a brief summary of the events leading to the filing of the petition in this matter appears appropriate.

9. Mr. Angel Lerma Maler (also known as Angel Lerma) owns 75 percent of the stock of International Panorama TV, Inc., and his sister, Alma Clara Maler, owns the remaining 25 percent. Mr. Maler is also the sole stockholder of Panorama Latino TV, Inc., an organization which produces Spanish language television programming for Television Broadcast Station KCOP–TV, Channel 13, Los Angeles, California. Thus, an atmosphere of competition and rivalry exists between Maler and petitioner's Station KMEX–TV and its principals with respect to the Spanish speaking population of the Greater Los Angeles area. Beginning in July 1962, a series of letters bearing signatures of persons with Latin American names was sent to the Commission, all containing disparaging material concerning Station KMEX–TV evidencing a familiarity with the principals of Station KMEX–TV, and all being remarkably similar in language and format. In addition, a fifth disparaging letter, a carbon copy of a letter sent to the Attorney General of the State of California, was also received by the Commission. This letter bore the same distinguishing characteristics as the other four. All five letters were typewritten. The petitioner, in November 1963, secured and submitted informally to the Commission, the opinion of a questioned document examiner who stated that, on the basis of his examination of these letters compared with a letter known to have been typed on a typewriter in the offices of Panorama Latino, it was his professional judgment that all of the letters (including the known exemplar) were typed on the same typewriter. There are also other letters and documents involved which the petitioner alleges were sent by Maler to advertisers and others in an attempt to defame, injure and destroy Station KMEX–TV.

10. In January 1964, the applicant was apprised by the Commission of the information at hand and was requested to comment on the charges that the letters had originated in the offices of Panorama Latino TV. Maler thereupon submitted a categorical denial, under oath, stating that he had no knowledge whatsoever of the letters or their origin. Subsequently, the applicant instituted its own investigation into the matter and discovered that the letters had all been written by one Alexander G. Golomb (also known as Alexander G. Colombo), an employee of Panorama Latino TV. The applicant, however, states that the letters were written by Golomb for reasons of his own without the knowledge, consent or acquiescence of Maler. Maler steadfastly and categorically denies that he knew about the letters, that he had any connection therewith, or that he acquiesced in, condoned, or ratified Golomb's actions. The applicant has submitted affidavits to support its position, including one from Golomb in which he swears that he was solely responsible for the letters, that he wrote them in Maler's absence, that he wrote the letters at home, that he subsequently surreptitiously had the type on the typewriter changed, and that he used fictitious names. Among the letters written by Golomb was one to Maler, signed with the fictitious name "Bill Potz", containing allegedly derogatory matter concerning petitioner's station representative. Golomb's affidavit avers that Golomb persuaded Maler that he (Maler) knew "Potz" and then Golomb surreptitiously drafted a letter for Maler's signature transmitting the "Potz" letter to petitioner's station representative, and slipped the transmittal letter in among other letters for Maler's signature. It is stated that in this manner, Golomb secured Maler's signature without Maler's knowledge and Golomb then mailed the letter to petitioner's station representative hoping to damage the reputation of Station KMEX, its principals, and its station representative. With the exception of the circumstances surrounding Maler's signing of the letter transmitting the "Potz" letter, all of the foregoing facts are undisputed, but the petitioner contends that Maler knew or should reasonably have known, of the writing of these letters or, if he had no actual knowledge, responsibility is imputable to him under the legal doctrine of master and servant. Petitioner alleges that, in any event, Maler ratified Golomb's actions by re-

[5] The subscribers have agreed to lend a total of $150,000 to the applicant, but the figure of $42,000 represents the amount which the petitioner concedes that the subscribers can lend.

[6] Based on operation for a reasonable time without revenues.

[7] The financial statement of Panorama Latino TV shows that it has current and liquid assets in excess of current liabilities of more than $48,000 and has agreed to lend the applicant $42,000.

[8] New Jersey Television Broadcasting Corporation, FCC 64–296, 2 RR 2d 263; Reconsideration denied, FCC 64–583, 2 RR 2d 1097.

taining Golomb in his employ after the authorship of the letters was discovered.

11. The only question to be resolved in this proceeding is the responsibility, if any, of Maler. There is presently insufficient information before the Commission to allow us to make a judgment as to the plausibility of the explanation offered by the applicant. Obviously, this application cannot be granted without resolving the question of whether Maler must bear some responsibility in this matter. While it is apparent that no person other than Maler and those associated with him could have the "personal knowledge" required of affiants by section 309(d) of the Communications Act, as to what Maler actually knew, it is conceivable that testimony could be elicited and evidence adduced from which valid inferences could be drawn as to Maler's responsibility, if any, for the actions of Golomb. Just as the public interest would require us to determine whether the applicant has the requisite qualifications to be a broadcast licensee if the evidence discloses Maler's complicity, so the public interest would seem to require a grant free of unresolved character questions if the evidence discloses Maler's innocence. It seems to us, therefore, that even if the evidence discloses that Maler was, to some extent and in some manner, responsible for the letters and other documents, we must further determine whether such responsibility necessarily reflects adversely on his character and, if so, whether the public interest would necessarily require us to deny the application. Clearly, a full and complete record of all of the facts and circumstances surrounding the writing of these letters and other documents is necessary in order to enable us to resolve these questions. An evidentiary hearing is the only tool available to us for that purpose. We will, therefore, upon our own motion, designate this matter for hearing. The Commission, after due deliberation, has determined that it will not make Spanish International a party to this proceeding.

12. In view of the foregoing, except as indicated by the issues specified below, we find that the applicant is legally, financially and technically qualified to construct, own and operate the proposed television station. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of International Panorama TV, Inc. is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Angel Lerma Maler was responsible for the actions of Alexander G. Golomb (also known as Alexander G. Colombo) in writing letters and other documents referred to in this Memorandum Opinion and Order and, if so, the nature and extent thereof.

2. To determine, if Issue 1 is resolved in the affirmative, whether the conduct of Angel Lerma Maler adversely reflects on the qualifications of the applicant to be a broadcast licensee.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the request for waiver of § 1.580(i) of the Commission's rules, filed herein by Spanish International Broadcasting Company, is denied; that the Petition to Deny is, accordingly, dismissed, as untimely filed; that the "Petition for Acceptance of Responsive Pleading", filed herein by International Panorama TV, Inc., is denied; and that the "Response" filed by International Panorama TV, Inc., in connection therewith is, accordingly, dismissed, in accordance with § 1.45 of the Commission's rules; and

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order; and

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 30, 1964.

Released: October 2, 1964.

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

[F.R. Doc. 64-10262; Filed, Oct. 7, 1964; 8:49 a.m.]

[Docket No. 15618; FCC 64M-972]

MARION MOORE

Order After Prehearing Conference

In re application of Marion Moore, Joshua Tree, California, Docket No. 15618, File No. BP-14358; for construction permit.

The Hearing Examiner having under consideration the procedures developed during prehearing conference held today;

It is ordered, This 2d day of October 1964, (1) that the hearing is hereby rescheduled and will commence at 10 a.m., on Monday, November 30, 1964, at the Commission's offices, Washington, D.C.; (2) that engineering data will be prepared in written affidavit form under oath of the consulting engineer having knowledge of the facts, and exchanged among other counsel, with one copy of each such exhibit to the Examiner, by not later than November 2, 1964; (3) that rebuttal data, if any, will be similarly prepared and exchanged by not later than November 23; and (4) that counsel will inform each other orally, by not later than November 25, of the names of witnesses desired for cross-examination;

It is ordered further, That the transcript of today's prehearing conference is incorporated herein by reference and will be utilized to guide the parties in their preparation for hearing;

It is ordered further, That exhibit material, including maps and computation sheets, will be completely paginated by use of Arabic numbers; that applicant's exhibits will be identified as "Moore Ex.", respondent's as "KDHI Ex." and Bureau's as "Bureau Ex."; and that each party's exhibits will be numbered successively beginning with "Ex. 1".

Released: October 2, 1964.

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

[F.R. Doc. 64-10263; Filed, Oct. 7, 1964; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15573 etc.]

SCANDINAVIAN AIRLINES SYSTEM ET AL.

Notice of Prehearing Conference

Scandinavian Airlines System, Docket 15573; Lufthansa German Airlines, Dockets 15578 and 15579; KLM Royal Dutch Airlines, Docket 15580.

Applications of Scandinavian Airlines System, Lufthansa German Airlines, and KLM Royal Dutch Airlines for foreign air carrier permits to serve points in the State of Alaska.

Notice is hereby given that a prehearing conference on the above-entitled applications is assigned to be held on October 12, 1964, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 2, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-10269; Filed, Oct. 7, 1964; 8:50 a.m.]

[Docket No. 15573 etc.]

SCANDINAVIAN AIRLINES SYSTEM ET AL.

Notice of Hearing

Scandinavian Airlines System, Docket 15573; Lufthansa German Airlines, Dockets 15578 and 15579; KLM Royal Dutch Airlines, Docket 15580.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled applications is assigned

to be held on October 12, 1964, at 2:00 p.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 2, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-10270; Filed, Oct. 7, 1964; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-12245 etc.]

MARSHALL R. YOUNG DRILLING CO. ET AL.

Findings and Order

SEPTEMBER 28, 1964.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors in interest co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Marshall R. Young Drilling Company, Applicant in Docket No. G-12245, proposes to continue the sale of natural gas heretofore authorized in said docket as sole owner of the subject producing property and not as co-owner and operator. Marshall R. Young, former co-owner and non-operator, conveyed his interest in the property to Marshall R. Young Drilling Company effective as of August 1, 1961. The subject sale has been made pursuant to a contract heretofore designated as Marshall R. Young Drilling Company (Operator), et al., FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-499. A change in rate has been suspended in Docket No. RI64-722 and has not been made effective. Accordingly, the certificate will be amended by changing the certificate holder to Marshall R. Young Drilling Company; the rate schedule will be redesignated as that of Marshall R. Young Drilling Company; Marshall R. Young Drilling Company will be made sole respondent in the proceedings pending in Docket Nos. RI61-499 and RI64-722; and the agreement and undertaking filed in Docket No. RI61-499 will be construed as though it were filed by Marshall R. Young Drilling Company as sole owner and not as co-owner and operator.

Amerada Petroleum Corporation, Applicant in Docket No. CI63-1426, proposes to continue the sale of natural gas heretofore authorized in said docket in lieu of Landmark Oil, Inc., pursuant to a contract heretofore designated as Landmark's FPC Gas Rate Schedule No. 1 which will be redesignated as a rate schedule of Amerada. Landmark acquired the subject properties from The Superior Oil Company as a partial successor in interest. Superior was authorized to sell natural gas from the subject properties pursuant to its FPC Gas Rate Schedule No. 30. The effective rate under the contract comprising Superior's and Landmark's rate schedules was in effect subject to refund in Docket No. RI62-445 at the time Superior assigned the property to Landmark and the rate at the present time is still in effect subject to refund in said docket. Accordingly, Landmark will be made a co-respondent in the proceeding pending in Docket No. RI62-445 insofar as said proceeding pertains to sales from January 1, 1963, to February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 1; Amerada will be made a co-respondent in the proceeding pending in Docket No. RI62-445 insofar as said proceeding pertains to sales on and after February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 120 (as so redesignated herein); said proceeding will be redesignated; and Landmark will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI62-445. Amerada has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI62-445, and said agreement and undertaking will be accepted for filing.

After due notice a petition to intervene by Long Island Lighting Company and a notice of intervention by the New York Public Service Commission were filed in Docket No. G-12245 in the matter of the application filed June 1, 1964, in said docket. The petition to intervene and the notice of intervention have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications in this order have been received.

At a hearing held on September 25, 1964, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-12245, CI61-658, CI63-148, CI63-738, CI63-951, CI63-1426, CI64-69, CI64-733, CI64-887, CI64-1355, and CI64-1427 should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) The certificates of public convenience and necessity heretofore issued to the Applicants herein, relating to the several abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. RI61-499 and RI64-722 should be redesignated to reflect the acquisition of the interest of Marshall R. Young by Marshall R. Young Drilling Company, and the agreement and undertaking filed by Marshall

R. Young (Operator), et al., in Docket No. RI61–499 should be construed as though it were filed by Marshall R. Young Drilling Company as sole owner and not as co-owner and operator.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Landmark Oil, Inc., should be made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales from January 1, 1963, to February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 1; that said proceeding should be redesignated accordingly; and that Landmark should be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI62–445.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Amerada Petroleum Corporation should be made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales on and after February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 120 (as so redesignated herein), that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by Amerada in said proceeding should be accepted for filing.

(11) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this consolidated proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore granted to the respective Applicants in Docket Nos. CI61–658, CI63–148, CI63–951, CI64–733, CI64–887, CI64–1355 and CI64–1427 are hereby amended by adding thereto and deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificates heretofore issued in Docket Nos. CI63–738 and CI64–69 are hereby amended by deleting therefrom authorization granted herein, in Docket Nos. CI65–104 and CI65–82.

(F) The certificate heretofore issued in Docket No. G–12245 is hereby amended to reflect Marshall R. Young Drilling Company as sole owner of the subject producing property and not as co-owner and operator.

(G) The certificate heretofore issued in Docket No. CI64–1427 is hereby amended to include the additional dedication, and such authorization involving sales of gas by Anadarko Production Company to its parent, Panhandle Eastern Pipe Line Company is without prejudice to any action which the Commission may take in any subsequent rate proceeding involving either Anadarko or Panhandle Eastern.

(H) The order issuing a certificate in Docket No. CI63–1426 is hereby amended by changing the certificate holder to the successor in interest as set forth in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein, are hereby granted.

(J) The certificates heretofore issued in Docket Nos. G–7275, G–10691, CI61–700 and CI62–1116 are hereby terminated.

(K) The certificates issued in Docket Nos. CI65–43, CI65–82 and CI65–104 be and the same are hereby conditioned as follows:

(a) The initial price shall not exceed 15.0 cents per Mcf at 14.65 psia including tax reimbursement plus Btu adjustment;

(b) In the event that the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area of the sale involved herein, Applicant may thereupon substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the rate herein required; and

(c) The allowances for take-or-pay provisions and the upward Btu adjustment provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule-making proceedings in Docket Nos. R–199 and R–200; however, Applicant will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantities.

(L) The proceedings pending in Docket Nos. RI61–499 and RI64–722 be and the same are hereby redesignated [1] to reflect the acquisition of the interest of Marshall R. Young by Marshall R. Young Drilling Company; and the agreement and undertaking filed in Docket No. RI61–499 by Marshall R. Young Drilling Company (Operator), et al., shall be construed as though it were filed by Marshall R. Young Drilling Company as sole owner and not as co-owner and operator.

(M) Landmark Oil, Inc., be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales from January 1, 1963, to February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 1.

(N) Amerada Petroleum Corporation be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI62–445 insofar as said proceeding pertains to sales on and after February 1, 1964, pursuant to its FPC Gas Rate Schedule No. 120 (as so redesignated herein).

(O) The proceeding pending in Docket No. RI62–445 is hereby redesignated [2] to reflect the addition of Landmark Oil, Inc., and Amerada Petroleum Corporation as parties respondent.

(P) Within 30 days from the issuance of this order, Landmark Oil, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI62–445 to assure the refund of any amounts collected pursuant to its FPC Gas Rate Schedule No. 1, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. Said agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Q) The agreement and undertaking submitted by Amerada Petroleum Corporation in Docket No. RI62–445 be and the same is hereby accepted for filing.

(R) Amerada Petroleum Corporation shall comply with the refunding and reporting procedure required by the Natural

[1] Marshall R. Young Drilling Company and J. C. Trahan, Drilling Contractor, Inc.

[2] The Superior Oil Company, A. W. Rutter, Jr. (Operator), et al., Landmark Oil, Inc., and Amerada Petroleum Corporation.

Gas Act and section 154.102 of the Regulations thereunder, and the agreement and undertaking filed in Docket No. RI62–445 by Amerada shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabluation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein, are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–12245 6–1–64 [1]	Marshall R. Young Drilling Co. (formerly Marshall R. Young Drilling Co. (Operator), et al.).	United Gas Pipe Line Co., Ashley Field, Hancock County, Miss.	Marshall R. Young Drilling Co. (Operator), et al., FPC GRS No. 1.	1	
			Supplement Nos. 1–2	1	1–2
			Conveyance 7–11–61	1	3
			Effective date: 8–1–61		
CI61–658 C 8–12–64	A. M. Snider, et al. d/b/a Hundred Gas Co.	Hope Natural Gas Co., Meade District, Marshall County, W. Va.	Letter Agreement 7–14–64.[2]	1	1
CI63–148 D 7–27–64	The Pure Oil Co	Michigan-Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	Notice of partial cancellation 7–23–64.[3 4]	76	6
CI63–951 C 8–12–64	W. H. Hildreth, et al	Hope Natural Gas Co., Spencer District, Roane County, W. Va.	Letter Agreement 6–22–64.[2]	5	2
CI63–1426 E 6–22–64	Amerada Petroleum Corp. (successor to Landmark Oil, Inc.).	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	Landmark Oil, Inc., FPC GRS No. 1.[5]	[6] 120	
			Supplement No. 1	120	1
			Notice of succession 6–19–64.		
			Assignment 2–1–64	120	2
			Effective date: 2–1–64		
CI64–733 C 8–14–64	Joseph H. Hager d/b/a Little Swiss Oil & Gas Properties.	Hope Natural Gas Co., Murphy and Union Districts, Ritchie County, W. Va.	Letter Agreement 2–11–64.	3	1
			Letter Agreement 7–23–64.[2]	3	2
CI64–887 C 8–12–64	Petroleum Resources, Inc., et al.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Letter Agreement 5–19–64.[2]	1	1
CI64–1355 C 8–7–64	D. A. Dorward, et al	do	Supplemental Agreement 5–28–64.[2]	8	1
CI64–1427 C 8–10–64	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Carthage Gas Field, Morton County, Kans.	Supplement agreement 7–1–64.[3]	82	1
CI64–1462 A 6–8–64	Sunray DX Oil Co	CRA, Inc. (formerly The Cooperative Refinery Association) [7] Numa Field, Grant County, Okla.	Contract 2–26–64	246	
			Letter agreement 4–17–64.[3]	246	1
CI65–37 A 7–16–64	Pan American Petroleum Corp.	Lone Star Gas Co., Southeast Durant Field, Bryan County, Okla.	Contract 6–20–64	[8] 398	
			Assignment 3–2–64 [2]	398	1
CI65–43 A 7–20–64	Cities Service Oil Co	Panhandle Eastern Pipe Line Co., Piper No. 1 Unit, Woods County, Okla.	Ratification 7–2–64	194	
			Contract 5–27–64	194	1
			Letter 8–3–64 [2 9]	194	2
CI65–82 (CI64–69) A 7–31–64	Johnson and Magaw (partial succession).[10]	Panhandle Eastern Pipe Line Co., South Tegarden Field, Woods County, Okla.	Contract 10–4–62	2	
			Amendment 2–1–63	2	1
			Amendment 4–15–63	2	2
			Agreement 10–16–63	2	3
			Assignment 10–16–63 [2]	2	4
CI65–104 (CI63–738) A 8–3–64	Sohio Petroleum Co. (partial succession).[11]	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	Ratification Agreement 10–1–62.	103	
			Contract 5–5–60	103	1
			Letter 7–17–64	103	2
			Effective date: 4–1–64		
CI65–116 A 8–7–64	Sun Oil Co. (Southwest division).	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Contract 7–22–64 [2]	175	
CI65–117 (G–7275) B 8–6–64	Penn-Ohio Gas Co	Hope Natural Gas Co., Union District, Harrison County, W. Va.	Notice of Cancellation 8–4–64.[4 12]	6	10
CI65–118 (G–10691) B 8–6–64	Skinner Corp. (Operator), et al.	Tennessee Gas Transmission Co., East Placedo Field, Victoria County, Tex.	Notice of Cancellation 7–31–64.[4 13]	3	7
CI65–119 A 8–6–64	R. H. Adkins d/b/a Toney Gas Co.	United Fuel Gas Co., Duval District, Lincoln County, W. Va.	Contract 7–13–64 [2]	91	
CI65–120 A 8–7–64	Louis J. Ramirez d/b/a Pacific States Gas and Oil Co.	Equitable Gas Co., Glenville District, Gilmer County, W. Va.	Contract 7–7–64 [2]	1	
CI65–121 A 8–10–64	Sohio Petroleum Co	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Contract 2–12–64 [2]	104	
CI65–123 [14] A 8–10–64	Ashland Oil & Refining Co.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Beaver County, Okla.	Contract 1–20–64	165	
			Amendment 5–8–64 [2]	165	1
CI65–124 A 8–10–64	Amerada Petroleum Corp.	Cities Service Gas Co., Duncan-Bixler Unit, North Waynoka Field, Woods County, Okla.	Contract 7–13–64 [2]	123	
CI65–125 A 8–10–64	Sohio Petroleum Co	Lone Star Gas Co., East Washington Field, McClain County, Okla.	Ratification 6–30–64	105	
			Contract 5–1–64 [2]	105	1
CI65–126 A 8–12–64	William Shepard	United Fuel Gas Co., Geary District, Roane County, W. Va.	Contract 11–15–63 [2]	1	
CI65–128 (CI 61–700) B 8–11–64	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Eva Area Field, Texas County, Okla.	Notice of Cancellation 4–17–64.[4 13]	31	2
CI65–129 A 8–12–64	Eason Oil Co	Lone Star Gas Co., Sholem Alechem Field, Carter County, Okla.	Contract 6–17–64 [2]	20	
CI65–130 A 8–12–64	Patrick J. O'Hornett	Cities Service Gas Co., Barey No. 1–4 Unit, Beaver County, Okla.	Contract 7–31–64 [2]	2	
CI65–131 A 8–12–64	Oxli Partnership	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Contract 5–11–64 [2]	1	
CI65–134 A 8–13–64	Sunray DX Oil Co	Lone Star Gas Co., Penn-Griffith Field, Rusk County, Tex.	Contract 6–3–64 [2]	247	
CI65–137 (CI62–1116) B 8–14–64	Dorothy Collett, agent for Raymond Oil Co.	Hope Natural Gas Co., Union District, Tyler County, W. Va.	Notice of Cancellation 8–13–64.[4 13]	1	2
CI65–16 A 7–9–64	Miles Kimball Co	United Gas Pipe Line Co., Monroe Field, Morehead Parish, La.	Contract 9–26–37	1	
			Supplemental agreement 9–26–37.	1	1
			Letter Agreement 8–30–54.	1	2
			Letter Agreement 12–1–58.	1	3
			Letter Agreement 12–22–58.	1	4
			Letter Agreement 7–1–60.	1	5
			Amendment 10–23–62	1	6
			Assignment 3–5–64	1	7
			Assignment 5–15–64 [2]	1	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.

See footnotes at end of table.

[1] Amendment to certificate filed to reflect Marshall R. Young Drilling, Co. in lieu of Marshall R. Young Drilling Co. (Operator), et al., as holder of certificate thereof.
[2] Effective date: Date of initial delivery.
[3] Deletes the E/2 Section 30, T22–N, R19W from the contract which acreage is nonproductive.
[4] Effective date: Date of this order.

[5] Production limited from surface down to and including base of the Spraberry Formation plus 100 feet.
[6] Rate in effect subject to refund in Docket No. RI62-445; also subject to Orders in Docket Nos. G-12950 and G-15358.
[7] CRA will gather the gas, process it and resell the residue gas to Arkansas Louisiana Gas Co. under CRA's FPC GRS No. 6, pursuant to a certificate issued to CRA in Docket No. CI63-632.
[8] Present effective rate under basic contract is 15.0 cents per Mcf with a moratorium on the filing of a rate change until September 1, 1965, pursuant to Settlement Order issued July 1, 1963, as amended December 30, 1963.
[9] States Applicant's willingness to accept certificate under same terms and conditions as those in Opinion No. 350.
[10] Partial succession to Shell Oil Co.'s FPC GRS No. 291.
[11] Partial succession to S. J. Sarkey's FPC GRS No. 2.
[12] Production no longer economically feasible.
[13] Source of gas depleted.
[14] Application limited to natural gas produced from below the base of the Wolfcampian Series of the Permian System down to the base of the Mississippian System, and casinghead gas from all depths above the base of the Mississippian System.

SUGGESTED AGREEMENT AND UNDERTAKING BEFORE THE FEDERAL POWER COMMISSION

(Name of respondent)

Docket No. ------

Agreement and Undertaking of (Name of Respondent) To Comply With Refunding and Reporting Provisions of § 154.102 of the Commission's Regulations Under the Natural Gas Act

(Name of respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of Section 154.102 of the Commission's Regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ------ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto [1]) this ------ day of ----------, 196--.

(Name of Respondent)
By ----------

Attest:

[F.R. Doc. 64-10072; Filed, Oct. 7, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2394—7-2399]

AMERICAN HOME PRODUCTS CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1964.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

American Home Products Corporation, File 7-2394; C.I.T. Financial Corporation, File 7-2395; Columbia Broadcasting System, Inc., File 7-2396; Communications Satellite Corp., File 7-2397; Eastern Air Lines, Inc., File 7-2398; Gillette Company, File 7-2399.

Upon receipt of a request, on or before October 18, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-10220; Filed, Oct. 7, 1964; 8:46 a.m.]

[1] If a corporation.

[File Nos. 7-2400—7-2405]

GREAT ATLANTIC AND PACIFIC TEA CO., INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 2, 1964.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

The Great Atlantic & Pacific Tea Co., Inc., File 7-2400; Lockheed Aircraft Corporation, File 7-2401; J. C. Penney Company, File 7-2402; Richardson-Merrell, Inc., File 7-2403; Sterling Drug, Inc., File 7-2404; Xerox Corporation, File 7-2405.

Upon receipt of a request, on or before October 18, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-10221; Filed, Oct. 7, 1964; 8:46 a.m.]

[File Nos. 811-840—811-845]

MANAGED FUNDS PERSONAL INVESTMENT PLAN

Notice of Application for Order Declaring That Companies Have Ceased To Be Investment Companies

OCTOBER 2, 1964.

In the matters of Managed Funds Personal Investment Plan, Electric Shares, File No. 811-840; Managed Funds Personal Investment Plan, Metal Shares, File No. 811-841; Managed Funds Personal Investment Plan, Paper Shares, File No. 811-842; Managed Funds Personal Investment Plan, Petroleum Shares, File No. 811-843; Managed Funds Personal Investment Plan, Special Investment Shares, File No. 811-844; Managed Funds Personal Investment Plan, Transport Shares, File No. 811-845.

Notice is hereby given, that Managed Funds Personal Investment Plan—Electric Shares, Metal Shares, Paper Shares, Petroleum Shares, Special Investment Shares, and Transport Shares ("applicants"), 85 Broad Street, New York 4, N.Y., unit investment trusts registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 8(f) of the Act for an order declaring that applicants have ceased to be investment companies.

Channing Investment Funds, Inc. (formerly Managed Funds Incorporated), a registered open-end diversified management investment company filed, as depositor for applicants, Notifications of Registration and Registration Statements under the Act on October 28, 1958. Since that time the applicants have not offered or sold any securities to the public, have acquired no assets of any kind, and have not transacted any business. A resolution to deregister the Plans has been passed by the Board of Directors of Channing Investment Funds, Inc.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a

registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 23, 1964, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service by (affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64–10222; Filed, Oct. 7, 1964; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING DIRECTOR, DIVISION OF FINANCE AND ACCOUNTS

Designation

The officer appointed to the position of Deputy Director, Division of Finance and Accounts, Office of the Administrator, Housing and Home Finance Agency, is hereby designated to serve as Acting Director, Division of Finance and Accounts, during the absence of the Director, Division of Finance and Accounts, with all the powers, functions, and duties delegated or assigned to the Director, Division of Finance and Accounts.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of September 30, 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 64–10306; Filed, Oct. 7, 1964; 8:50 a.m.]

OFFICE OF EMERGENCY PLANNING

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri dated July 8, 1964, and published July 15, 1964 (29 F.R. 9579), as amended, dated July 22, 1964, and published July 29, 1964 (29 F.R. 10537) is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 8, 1964:

Holt. Mississippi.

Dated: October 2, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64–10264; Filed, Oct. 7, 1964; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 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. 39299: *Soybeans to Fredonia, Kans.* Filed by Southwestern Freight Bureau, agent (No. B–8614), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Arkansas and Missouri, to Fredonia, Kan.

Grounds for relief: Carrier competition.

Tariffs: Supplements 13 and 48 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4483 and 4494, respectively.

FSA No. 39300: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 101), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 5 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1312.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–10247; Filed, Oct. 7, 1964; 8:48 a.m.]

[Notice 1057]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 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 67142. By order of September 30, 1964, the Transfer Board approved the transfer to Fleming's Express, Inc., Walpole, Mass., of Certificate in No. MC 63772, issued October 24, 1951, to Edward J. Healy and William M. Healy, a partnership, doing business as Maurice Healy & Sons, Boston, Mass., authorizing the transportation of: Groceries, packinghouse products, and dairy products, from Boston, Mass., to Manchester and Nashua, N.H., and points in Massachusetts within 60 miles of Boston, and between Boston, Mass., on the one hand, and, on the other, Pawtucket and Providence, R.I. George J. Elbaum, 11 Beacon St. Boston, Mass., 02108, attorney for applicants.

No. MC–FC 67185. By order of September 30, 1964, the Transfer Board approved the transfer to Mark R. Reis, doing business as Reis Truck Line, 7 North Jackson Street, Aberdeen, S. Dak., of Certificate No. MC 120387 Sub 1, issued September 9, 1964, to Donald D. Rogers, Post Office Box 736, Aberdeen, S. Dak., authorizing the transportation of general commodities, including household goods and commodities in bulk, between Aberdeen, S. Dak., and Langford, S. Dak., serving intermediate points of Groton, Andover and Pierpont, S. Dak.

No. MC–FC 67193. By order of September 30, 1964, the Transfer Board approved the transfer to Zerkle Trucking Company, a corporation, Middleport, Ohio, of the operating rights issued by the Commission, September 30, 1960, under Certificate No. MC 119771, to Hallie Zerkle, doing business as Zerkle Transfer Co., Middleport, Ohio, authorizing the transportation, over irregular routes, of petroleum products, in metal cans and other packages, from Cabin Creek, W. Va., to points in Ohio, and empty petroleum containers, from points in specified parts of Ohio to Cabin Creek, W. Va.; petroleum products, in packages, from Cabin Creek, W. Va., to points in Ohio, and return with empty petroleum-product containers; fresh meats, packinghouse products, and such other commodities as are dealt in or distributed by packinghouses, and advertising matter used in promoting the sale of such commodities, from Middleport,

Ohio, and Huntington and Parkersburg, W. Va., to points in Ohio and West Virginia; food products, from Cincinnati, Ohio, to points in West Virginia; salt, from Pomeroy, Ohio, to points in West Virginia and Kentucky; meats, from Middleport, Ohio, to points in West Virginia; cheese and packinghouse products (not including meats) from Huntington and Parkersburg, W. Va., to points in Ohio, with restriction, oils and greases in containers, from St. Marys, W. Va., to Gallipolis, Ohio; and empty containers or other articles used in transporting the immediately above-specified commodities, from Gallipolis, Ohio, to St. Marys, W. Va. Herbert Baker and Robert T. Fitzsimons, 50 West Broad Street, Columbus, Ohio, 43215, attorneys for applicants.

No. MC–FC 67214. By order of September 30, 1964, the Transfer Board approved the transfer to Dyer Store Fixtures Co., a corporation, Gloucester City, N.J., of the operating rights in Permit No. MC 68234, issued by the Commission August 31, 1954, to Thomas M. Marshall Co., a corporation, Gloucester City, N.J., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points within a described territory in New Jersey, Delaware, and Pennsylvania, and fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in New Jersey, Pennsylvania, and Delaware to points in the described territory in New Jersey, Delaware, and Pennsylvania. Louis E. Levy, 226 South 16th Street, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC 67249. By order of September 30, 1964, the Transfer Board approved the transfer to White Transport Corp., a corporation, Greenville, S.C., applicant in No. MC 97766 Sub 1, BOR–99 filed in the name of L. G. White, Corean G. White, Executrix, doing business as White Truck Line, Greenville, S.C., for certificate of registration to operate in interstate or foreign commerce authorizing operations under the former second proviso of section 206(a)(1) of the Act, supported by South Carolina certificate No. 51 B, authorizing the transportation of commodities in general, fertilizer and fertilizer material, farm products and livestock, electrical equipment, fixtures, tools, materials and supplies for Huntington and Querry, Inc., Greenville, S.C., sizing compounds, and materials and return of drums and barrels and canned goods, between specified and unspecified points in South Carolina. Henry P. Willimon, Post Office Box 1075, Greenville, S.C., attorney for applicants.

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

[F.R. Doc. 64–10248; Filed, Oct. 7, 1964; 8:48 a.m.]

[Notice 1057–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 5, 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 67285. Application filed October 1, 1964 for CALHOUN TRUCKING CORPORATION, 319 Jacet Road, Kearny, N.J., to temporarily lease the operating rights of HUGH F. McGOLDRICK, INC., Hyannis, Mass., under section 210a(b). The transfer to CALHOUN TRUCKING CORPORATION of the operating rights of HUGH F. McGOLDRICK, INC., is pending.

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

[F.R. Doc. 64–10249; Filed, Oct. 7, 1964; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 88th Congress, Second Session.

Approved October 6, 1964

S. 1024 ..... Public Law 88–629

To authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes.

H.J. Res. 753 ..... Public Law 88–628

To authorize the President to proclaim October 15 of each year as White Cane Safety Day.

H.R. 4989 ..... Public Law 88–627

To amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor.

H.R. 5932 ..... Public Law 88–631

To amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes.

H.R. 10204 ..... Public Law 88–632

To extend the Osage mineral reservation for an indefinite period.

H.R. 12289 ..... Public Law 88–630

To establish the Lewis and Clark Trail Commission, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—OCTOBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

1 CFR

Page

CFR Checklist 13517

3 CFR

PROCLAMATION:
3619 13593
3620 13627
3621 13795

EXECUTIVE ORDERS:
11150 (revoked by EO 11182) 13629
11181 13557
11182 13629
11183 13633

5 CFR

213 ..... 13517, 13595, 13797
1201 13869

7 CFR

27 13797
33 13559
706 13885
728 ..... 13595, 13635
751 13559
855 13595
864 13637
871 13890
873 13565
905 13599–13601
908 13797
910 13601
944 ..... 13602, 13603
984 13603
1001 13798
1427 13567
1485 13639

PROPOSED RULES:
46 13535
1033 13535
1034 13535
1061 13772
1064 13772
1104 13774
1106 13774

12 CFR

1 ..... 13568–13570, 13798, 13869
204 13604
217 13604

PROPOSED RULES:
545 13834

13 CFR

109 13518
121 13571

14 CFR

71 [New] 13798, 13799
73 [New] 13604
91 [New] 13519
97 [New] 13520
241 13528
248 13799
507 13604

PROPOSED RULES:
71 [New] 13610, 13611, 13828, 13829, 13904, 13905
73 [New] 13906, 13907
91 [New] 13907
151 [New] 13829
288 13827
507 ..... 13833, 13908

15 CFR

Page

367 13570
370 13643
371 13643
372 13646
373 13647
376 13649
379 13650
380 13651
381 13651
384 13651
385 13652

16 CFR

13 ..... 13571, 13572, 13655, 13799, 13800, 13892

17 CFR

PROPOSED RULES:
240 13777

20 CFR

501 13519

21 CFR

8 13893
120 13771
121 ..... 13534, 13572, 13573, 13802, 13894, 13895
146 13895

PROPOSED RULES:
27 ..... 13535, 13536

26 CFR

1 13896

PROPOSED RULES:
1 13772

29 CFR

511 13802

PROPOSED RULES:
610 13903
612 13903
614 13903
615 13903

30 CFR

PROPOSED RULES:
14 13822

32 CFR

56 13802
137 13803
Ch. VII 13656
803 13803
826 13805
828 13805
830 13805
831 13806
832 13807
842 13807
845 13869
846 13871
850 13872
870 13873
881 13873
905 13883
906 13883
920 13885

33 CFR

203 13518

38 CFR

6 13573
8 ..... 13573, 13810

39 CFR

Page

22 13811

PROPOSED RULES:
22 ..... 13822, 13903

41 CFR

9–1 ..... 13574, 13811
9–6 13813
9–10 13574
9–16 13605
9–30 13575

43 CFR

417 13605

PUBLIC LAND ORDERS:
3453 13814
3454 13814
3455 13814
3456 13814
3457 13815

45 CFR

105 13639

47 CFR

0 13815
1 ..... 13815, 13816
17 13815
43 13816
73 ..... 13818, 13896
83 13815

PROPOSED RULES:
97 13834

49 CFR

136 13606

PROPOSED RULES:
170 13835

50 CFR

12 13820
32 ..... 13518, 13577, 13641, 13642, 13900, 13901
253 13607

PROPOSED RULES:
256 13902